

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47369 of 2023

Applicant :- Hakkam Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Mustaqeem Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged against as many as 9 persons. The applicant was not named in the FIR. Subsequently, based upon the statement of the co-accused, the applicant was apprehended.
3. The Counsel for the applicant argues that one of the co-accused has been enlarged on bail vide order dated 08.02.20219, a copy of the bail order is on record as Annexure-3 to the bail application.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that one of the co-accused on similar allegation has been enlarged on bail and the applicant does not have any criminal antecedents, I am of the view that the applicant is entitled to be released on bail.
6. Accordingly, the bail application is ***allowed***.
7. Let the applicant ***Hakkam Ali*** be released on bail in FIR/ Case Crime No.176 of 2017, under Section 60/62 of the Excise Act and Section 272 IPC, Police Station Tarya Sujana, District Kushinagar on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission;

and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 6.11.2023

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