

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47485 of 2023

Applicant :- Kurban

Opposite Party :- State of U.P.

Counsel for Applicant :- Nafees 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. In terms of the FIR, allegations were levelled against three persons including the applicant. The FIR reveals on the basis of the search carried out from the accused Ishfaq and Mujahid Chauhan certain contraband were recovered as against the applicant, it was recorded that the said two persons had given statement that the applicant was also involved with the offence in question.
3. In the light of the said, the counsel for the applicant argues that no recovery was effected from the applicant and the co-accused against whom the recovery was effected have been enlarged on bail vide bail orders which are on record as Annexure No. 5 to the bail application.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the facts that no recovery was effected from the applicant and his name surfaced on the basis of the statement of the co-accused and the said two persons have already been enlarged on bail and the applicant has no criminal history. In view of the said, 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 **Kurban** be released on bail in FIR/ Case Crime No. 338 of 2021, under Sections 8/20/60 N.D.P.S. Act, P.S. Hafizganj, District Bareilly, on his furnishing personal bonds and two reliable sureties of the like amount 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 :- 7.11.2023

S.A.