

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47775 of 2023

Applicant :- Pushpendra Singh Alias Pappu

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahendra Pal Singh Gaur, Naman Kishor Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.381 of 2023 under section 307 IPC, 18/20 NDPS Act and section 3/25/27 Arms Act, P.S. Bakewar, District Etawah.
3. The FIR in question was lodged as a police party firing case. It is argued by the counsel for the applicant that in terms of the FIR, allegedly a country made pistol and some cartridges were recovered. It is also stated that 450 grams of Charas was also allegedly recovered. He argues that there is no injury sustained by anyone, thus, section 307 IPC is not made out. The recovery of the arms as well as 450 grams of Charas alleged are neither in the presence of any independent witnesses nor is there any compliance of section 50 of the NDPS Act. The applicant has no criminal history and is in jail since 04.10.2023.
4. Considering the submissions made at the bar, prima-facie no injury was inflicted on anyone, the recovery of weapon is not in the presence of any independent witness and the alleged recovery of 450 grams of charas which is less than the commercial quantity is contrary to the mandate of section 50 of the NDPS Act coupled with the fact that the applicant has no criminal history, as such, the applicant is entitled for the bail. Thus the bail application is allowed.
5. Let the applicant ***Pushpendra Singh Alias Pappu*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties each of the like amount 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 :- 8.11.2023

VNP/-