

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47864 of 2023

Applicant :- Suraj Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Singh, Vinay Singh

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 alleging that on the motorcycle driven by the applicant and a pillion rider on a search carried out 750 gms. of Charas was allegedly recovered from the applicant. The FIR itself records that the recovery was not in presence of independent witness and the recovery is less than the commercial quantity.

3. It is argued that applicant has no criminal history.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that recovery is less than the commercial quantity and the applicant has no criminal antecedents, there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, 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 **Suraj Gupta** be released on bail in FIR/ Case Crime No. 078 of 2023, under Sections 8/20 N.D.P.S. Act, P.S. Bhot, District Rampur, 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 :- 8.11.2023

S.A.