

**Court No. - 67**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 48481 of 2023

**Applicant :-** Kalicharan

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vipin Gangwar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mohd. Azhar Husain Idrisi,J.**

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material on record.

The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.463 of 2023, under Section 8/20 N.D.P.S. Act, Police Station Hafizganj, District Bareilly.

Learned counsel for the applicant submits that according to the FIR version from the possession of applicant on 29th September, 2023, 485 Gram Charas (Hashish) was recovered. He submits that recovered quantity is below from commercial quantity. He submits that there is no independent witness of the alleged recovery and there is no evidence on record to connect the recovered material to be Charas (Hashish). He further submits that the mandatory provision of Section 50 of N.D.P.S. Act has not been complied with and has been falsely implicated in the case. There is no possibility of the applicant of fleeing away from the judicial process or tampering with the witnesses and, in case, the applicant is enlarged on bail, the applicant shall not misuse the liberty of bail. It is next contended that applicant has no criminal history as explained at Para- 18 of the affidavit and he is languishing in jail since 30.09.2023.

Learned AGA for the State opposed the bail application but could not dispute the aforesaid submissions as argued on behalf of the applicant.

Considering the facts and circumstances of the case and without expressing any opinion on merits of the case, the bail application is allowed.

Let the applicant- **Kalicharan** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 50,000/-

and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not influence any witness.
- (iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv) The applicant shall not directly or indirectly make 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 to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :- 9.11.2023**

Israr