

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48430 of 2023

Applicant :- Chhoti @ Sarita

Opposite Party :- State of U.P.

Counsel for Applicant :- Gaurav Kumar Singh, Ubaidur Rehman

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard learned counsel for the applicant and the learned A.G.A. for the State and also perused the record.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 412 of 2023, under Section 8/20 of N.D.P.S. Act, Police Station Khadda, District Kushinagar.

The arguments made by learned counsel on behalf of the applicant are that 7.100 gram and 7.200 gram Ganja were planted on the applicant and co-accused Rubi @ Lalita to implicate them in this case to burnish the credentials of the police authorities. There is no independent witness to the recovery. The quantity of the prohibited substance is exaggerated as inaccurate instruments have been used for weighment. The recovered substance is in fact below the commercial quantity notified under the NDPS Act. No reliable forensic science laboratory report drawn up in accordance with latest scientific protocol by experts which affirms that the seized substance is a prohibited drug has been produced. The search and seizure has been made in violation of the mandatory provisions of the NDPS Act. The applicant is languishing in jail since 8.10.2023 and has no criminal history to her credit. There is scanty chances of her fleeing away from the judicial process and tampering the prosecution evidence, deserves to be released on bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Chhoti @ Sarita be released on bail in the aforesaid case crime number, on furnishing a personal bond 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) That the applicant shall cooperate in investigation and with the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That 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.

(iii) That after his release, the applicant shall not involve in any criminal activity.

(iv) The identity, status and residential proof of sureties will be verified by court concerned before the release of the applicant.

In case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail of the applicant.

Order Date :- 9.11.2023

M. Tarik