Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48582 of 2023

Applicant :- Ramveer
Opposite Party :- State of U.P.
Counsel for Applicant :- Sanjay Singh
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

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

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 539 of 2023 under Sections 3/7 Essential Commodities Act, and Sections 120 B, 420 I.P.C., Police Station- Jagdishpura, District- Agra, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. There is no public witness of alleged recovery of 7600 liter of mixed petroleum product. The entire search and seizure was conducted in violation of provision of Section 100 Cr.P.C. The applicant is the labour in the agency of the co-accused from where the recovery is said to be made. It is next contended that the co-accused Yogesh Kumar Singhal, having identical role, has been granted bail by this court in Criminal Misc. Bail Application No. 46724 of 2023 vide order dated 9.11.2023. The applicant claims parity. The applicant is in jail since 12.10.2023, having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than three months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so when co-accused person has granted bail and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the

witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Ramveer**, involved in aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;
(ii) shall not tamper with the prosecution evidence;
(iii) shall not pressurize the prosecution witnesses.

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

Order Date :- 30.11.2023
S.Verma

Digitally signed by :-
SANDEEP KUMAR VERMA
High Court of Judicature at Allahabad