**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 49071 of 2023

**Applicant :-** Sudhank Kumar @ Babloo Mishra
**Opposite Party :-** State of U.P.
**Counsel for Applicant :-** Swati Singh,Birendra Singh
**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard Ms. Swati Singh, learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.76 of 2023, under Section 482 IPC and Sections 8/20/29 NDPS Act, Police Station Jewar, District Gautambudh Nagar, during the pendency of trial.

3. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. Learned counsel has stated that in respect of recovery of the said contraband there is no compliance of mandatory provisions of the NDPS Act. There is no chemical analysis report to corroborate the prosecution version. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. It is further argued that the co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 06.11.2023 passed in Criminal Misc. Bail Application No.38035 of 2023. He further submitted that since the case of the applicant is on the better footing to that of co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 05.10.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission advanced on behalf of the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Sudhank Kumar @ Babloo Mishra**, involved in the aforesaid case crime 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 :-** 20.11.2023
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad