

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49010 of 2023

Applicant :- Manish

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard 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. 767 of 2023, under Section 8/20 Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Shikohabad, District Firozabad, during the pendency of trial.
3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. He further contends that the alleged recovered 350 gm contraband (*Charas*) is below the commercial quantity as the commercial quantity of *Charas* starts from one k.g, for which there was no independent witness and also there was no compliance of mandatory provision of Sections 42, 50, 52, 57 of N.D.P.S Act has been made. Learned counsel for the applicant has further contended that only to show good work on the part of police, the Police has concocted the false story and lodged this false F.I.R. Learned counsel for the applicant contended that there is criminal history of five cases against the applicant, which is not related to N.D.P.S Act. The applicant is in jail since 17.09.2023. There is no likelihood of abscondence or tampering with the evidence. In case, he is enlarged on bail, he will not misuse the liberty of bail.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicant.
5. Having regard to 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.
6. Let the applicant- **Manish**, 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 :- 11.12.2023

Vinod.