

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49288 of 2023

Applicant :- Ashraf Alias Aalu Akalu

Opposite Party :- State of U.P.

Counsel for Applicant :- Juned Alam

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Juned Alam, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No. 317 of 2014, under Sections 8/20 and 23 N.D.P.S. Act, Police Station Seorahi, District Kushi Nagar, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that four cases against the applicant have been mentioned in the supplementary affidavit (Para-2), in which the applicant have been enlarged on bail. The case of the applicant is on the similar footing with the case of co-accused Rijvan, who was also named to be ran away like the applicant from the spot has been enlarged on bail by co-ordinate bench of this court on 02.12.2023 in Criminal Misc. Bail Application No. 50441 of 2023. The applicant is in jail since 02.09.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

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

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 - **Ashraf Alias Aalu Akalu**, 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 :- 12.12.2023

RPD