

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49163 of 2023

Applicant :- Kunwar Jeet Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Sandeep Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged alleging that on the basis of a search carried out from two persons including the applicant, four bags weighing 12 Kg 170 gm of Ganja were recovered in the two separate bags being carried by the two co-accused, including the applicant. Contention of counsel for the applicant is that the search was not conducted in the presence of any independent witnesses and in any case, the recovery allegedly is less than commercial quantity which is 20 KG in the case of Ganja and the applicant has no criminal antecedent.
3. Learned AGA has opposed the bail application.
4. Considering the fact that the recovery is not in the presence of any independent witnesses and the recovery is less than the commercial quantity prescribed for Ganja, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.
5. Let the applicant ***Kunwar Jeet Patel*** be released on bail in FIR No.51 of 2023, under Section 8/20 of NDPS Act, P.S. Manchi, District Sonbhadra on his furnishing a personal bond with two sureties of the like amount each to the satisfaction of court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
 - (c) 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.

Order Date :- 20.11.2023

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