

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49335 of 2023

Applicant :- Nempal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Vashistha

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. It is argued by the Counsel for the applicant that in the search carried out against two persons, the alleged recovery of 610 grams of diazepam powder was shown to be from the possession of the applicant. Similarly 590 grams of diazepam powder was alleged to be in possession of co-accused Mahesh, who has been enlarged on bail by this Court vide order dated 17.11.2023.

3. The Counsel for the applicant further argues that the said co-accused Mahesh has been enlarged on bail on the same allegations and the quantity seized from the applicant was also similar to the quantity seized from the co-accused Mahesh. The applicant has no criminal antecedents under NDPS Act.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that the recovery is less than commercial quantity and adopting the reasoning as adopted in the bail order dated 17.11.2023, the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.

6. Let the applicant ***Nempal*** be released on bail in FIR/ Case Crime No.506 of 2023, under Section 8/22 of the NDPS Act Section 3/4 of the UP Public Gambling Act, Police Station Soron, District Kasganj on his furnishing personal bonds and two reliable sureties of the like amount each to the satisfaction of the 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 :- 21.11.2023

akverma