

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49382 of 2023

Applicant :- Kaushal Kumar Das @ Rasgulli

Opposite Party :- Union of India

Counsel for Applicant :- Chandra Prakash Pandey, Saurabh Mishra

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 accused-applicant seeks bail in Case Crime No.36 of 2023 (Special Sessions Trial No.193 of 2022) under section 8/20, 25, 29 NDPS Act, P.S. Babina, District Jhansi.
3. In terms of a complaint filed by the NCB, the applicant is under arrest.
4. The contention of the counsel for the applicant is that initially a complaint was filed against four persons in which the applicant was not named. Subsequently, based upon the statement of the co-accused, the applicant and one Seetu Tiwari @ Nandji Tiwari were arrested. He draws my attention to the statement of the co-accused Vikas Kumar where he has taken the name of Seetu Tiwari as well as the applicant. It is argued that nothing allegedly was recovered from the applicant and solely based upon the statement of the co-accused, the applicant has been apprehended. It is further argued that Seetu Tiwari against whom similar statement existed was enlarged on bail by this court vide a detailed order dated 02.12.2022 in Bail No.10833 of 2022 (Annexure no.4).
5. Considering the fact that nothing was recovered from the applicant and the applicant was arrested based upon the statement of the co-accused under section 67 and on the same allegations, the other accused person Seetu Tiwari has been enlarged on bail, the applicant who has no criminal history and is similarly situated with that of Seetu Tiwari is entitled for the bail. Thus the bail application is allowed.
6. Let the applicant ***Kaushal Kumar Das @ Rasgulli*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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

VNP/-