

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51415 of 2023

Applicant :- Manoj Kumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Lakshmi Kant Pandey, Sandeep Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Sandeep Kumar Pandey, learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. The instant bail application, under Section 439 Cr.P.C has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 655 of 2023, under Sections 08/20 N.D.P.S Act, Police Station- Rabertsganj, District- Sonbhadra, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. There was no independent witness of the alleged recovery of 8.300 kilogram 'Ganja', which is below the commercial quantity. It is alleged that no compliance of mandatory provisions of Sections 50 & 52 of N.D.P.S Act has been made. Learned counsel for the applicant has lastly contended that the applicant is in jail since 09.11.2023. In case, he is enlarged on bail, he will not misuse the said liberty.

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

5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant - **Manoj Kumar Yadav**, 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 :- 7.12.2023

Vinod.