

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 212 of 2022

Applicant :- Gabbar Nishad

Opposite Party :- State Of U.P.Thru. Prin. Secy. Home Lko.
And Another

Counsel for Applicant :- Mohsin Iqbal

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Case called out. Nobody is present on behalf of the applicant.
2. Sri Rakesh Kumar Singh, the learned AGA is present.
3. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 45 of 2019, under Section 60(2), 72 Excise Act and Section 272 IPC, Police Station Nawabganj, District Gonda.
4. It is alleged that 4 kilns and 500 litres of spurious liquor alongwith various implements used to manufacture illicit liquor were recovered from the possession of accused persons. Two accused persons, namely, Santosh Nishad and Amar Nishad are said to have been arrested and one Ram Chhabile is said to have escaped.
5. The applicant has been implicated subsequently on the basis of the statement of the arrested persons.
6. The applicant was granted interim anticipatory bail by means of order dated 22.02.2022. While granting interim anticipatory bail to the applicant, the State was granted three weeks' time for filing counter affidavit but no counter affidavit has been filed till date.
7. Thus the averments made in the affidavit filed in support of the anticipatory bail application remains uncontroverted.
8. The application is pending since 03.02.2022 whereas the law mandates disposal of an application under Section 438 Cr.P.C. within 30 days.
9. In view of above, the interim order dated 22.02.2022 is made

absolute and the anticipatory bail application is ***allowed***.

10. In case the applicant has not furnished bail bonds till date, he may do so within a period of two weeks from today.

Order Date :- 28.11.2023

Pradeep/-