

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10399 of 2022

Applicant :- Shashi Kant Verma

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

Counsel for Applicant :- Narendra Pratap Mishra, Kashi Prasad Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard Sri Kashi Pratap Mishra, learned counsel for the applicant and Sri Ramesh Kumar learned A.G.A. for the State.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No337 of 2022 under section 8/20 N.D.P.S. Act Police Station Ashiana District Lucknow.

3. It has been submitted by learned counsel for the applicant that co-accused- Ashish Singh has been granted bail and the case of the applicant is coming within the purview of parity. He has submitted that all the four accused were arrested at the spot and 45kg and 153 grams Ganja was recovered from their possession. Learned counsel for the applicant has submitted that section 50 of NDPS Act has not been followed. He has further submitted that the applicant is in jail since 11.07.2022 therefore he is entitled for bail.

4. On the other hand, learned A.G.A. has opposed the prayer for bail and has submitted that it is case of commercial quantity. Apart from that, the applicant has criminal history of 16 cases mentioned in para 19 of the rejoinder affidavit out of which three previous case is also belonging to NDPS Act. He has submitted that the applicant is repeated offender. He further submitted that the co-accused Ashish Singh who was enlarged on bail by this Court has no previous criminal history whereas the applicant has criminal history of 16 cases, therefore, the applicant is not entitled to be released on bail.

5. After hearing learned counsel for the parties and

considering overall facts and circumstances of the case as well as the argument that the applicant has criminal history of 16 cases out of which three cases are belonging to NDPS Act, argument that the applicant is unable to satisfy the condition of Section 37(1)(b)(ii) of the NDPS Act and the argument that it is not a case of parity with the case of the co-accused Ashish Singh, therefore, the applicant is not entitled to be released on bail.

6. Accordingly, the bail application of the applicant-Shashi Kant Verma, is hereby rejected.

Order Date :- 11.10.2023

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