

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9952 of 2023

Applicant :- Ram Karan Verma

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

Counsel for Applicant :- Ram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard Sri Ram Singh, learned counsel for the applicant as well as Sri G. D. Bhatt, learned A.G.A. for the State and perused the record.
2. This bail application has been filed seeking release of applicant- Ram Karan Verma, on bail, in Case Crime No.159 of 2023, Under Sections 8/20 of Narcotic Drugs & Psychotropic Substances Act 1985, Police Station- Baskhari, District- Ambedkar Nagar.
3. It has been submitted by the learned counsel for the applicant that alleged recovery of 15.640 kilogram ganja is made from the possession of the applicant which is below commercial quantity and there is no eye-witness. He has further submitted that Annexure No.CA-2 to the counter affidavit filed by the learned A.G.A. indicates that the sample has been received by the Varanasi Camp of F.S.L. received on 21.06.2023 whereas the date of the alleged incident is 18.05.2023. He has further submitted that admittedly, the sample has been sent after one month and the recovery is highly doubtful.
4. He has further submitted that it is violation of Standing Order No.1/88 /N.C.B. which indicates that within 72 hours, the sample of the recovered substance should be sent for F.S.L. report. He has submitted that the recovery is false and fabricated and the applicant has been implicated in a false and fabricated case. He has further submitted that the applicant has no criminal history and is in jail since 19.05.2023, therefore, the applicant may be enlarged on bail.
5. Learned A.G.A. for the State has however opposed the bail application but could not dispute the fact that the sample has been received after one month from the date of incident and there is violation of Standing Order no.1/88/N.C.B.
6. Considering the overall facts and circumstances of the case, perusing the record, considering the nature of allegations,

arguments advanced by the learned counsel for the parties, looking into the fact that the quantity of the recovered substance is below commercial limit, the argument that Standing Order no.1/88/N.C.B. has been violated, the argument that the applicant has no criminal history and is in jail since 19.05.2023, I find it to be a fit case for grant of bail.

7. Accordingly, the bail application is **allowed**.

8. Let the applicant- **Ram Karan Verma** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against her under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 1.11.2023/Manoj K.