

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10890 of 2023

Applicant :- Ravindra Singh

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

Counsel for Applicant :- Syed Anzar Husain, Faisal Husain, Shashank Bhushan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard Shri Syed Anzar Husain, learned counsel for the applicant, Shri Rajnesh Kumar Verma, learned AGA for the State and perused the record.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.77 of 2023, under Section 8/20 NDPS Act, Police Station Malipur, District Ambedkar Nagar.

3. It is contended by learned counsel for the applicant that 48 kg 250 gms of Ganja is shown to have been recovered from the DCM four wheeler Vehicle in which the applicant and other co-accused were sitting. It is submitted that the co-accused Ashok Rai and Rishu Singh, having similar role have been granted bail by coordinate Bench of this Court in Criminal Misc. Bail Application Nos.11717 of 2023 and 12309 of 2023 vide orders dated 07.11.2023 and 16.11.2023 respectively.

4. Learned counsel for the applicant submitted that the case of the applicant is at par with the co-accused Ashok Rai and Rishu Singh and he is also pressing the same grounds as has been advanced in the case of co-accused. Criminal history has been explained in Case crime no.76 of 2023 under section 307 IPC filed against the applicant in para 30 of the affidavit, in which he has been granted bail. The bail order is Annexure 3. The applicant is languishing in jail since 24.04.2023.

5. Learned AGA opposed the prayer for bail but could not dispute the fact that the case of the applicant is at par with the case of co-accused Ashok Rai and Rishu Singh, who have been granted bail.

6. Considering over all facts and circumstances of the case, argument that the case of the applicant is at par with the case of co-accused Ashok Rai and Rishu Singh, having identical role have been granted bail; argument that twin conditions contained under Section 37 of the NDPS Act has been satisfactorily dealt in detail and finding has been recorded in the case of co-accused Ashok Rai and Rishu Singh, therefore, in the considered opinion of this Court, it is a fit case for grant of bail.

7. Let the applicant, **Ravindra Singh** 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 him 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.

8. 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 :- 20.11.2023

Pks