

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11001 of 2023

Applicant :- Jai Narayan Jaiswal

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

Counsel for Applicant :- Nisha Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Miss. Nisha Srivastava, the learned counsel for the applicant as well as Sri Gyanendra Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.180 of 2023, under Sections 419, 420, 467, 468, 471, 120B, 272 I.P.C., 60 U.P. Excise Act, registered at Police Station Kursi, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.07.2023 alleging that a team of police personnel and official of Excise Department made an inspection of a liquor shop. Applicant and co-accused Sandeep Kumar Jaiswal were found present at the shop. FIR states that Sandeep Kumar Jaiswal escaped from the shop taking advantage of darkness. Upon inspection, some stocks of spurious liquor and 200 gm urea were recovered from the shop. License holder of the shop is the other co-accused- Gomti Devi.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is neither owner nor license holder of the shop and he has falsely been implicated in the present case.

5. Both the other co-accused persons Sandeep Kumar Jaiswal and Gomti Devi have been granted anticipatory bail in the present case whereas the applicant is languishing in jail since 15.07.2023.

6. The State has filed a counter affidavit annexing therewith a

copy of the recovery memo, which has already been annexed with the affidavit filed in support of the application.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is neither owner nor licensee nor employee of the shop and he was merely found present at the shop and both the other co-accused persons have already been granted anticipatory bail, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Jai Narayan Jaiswal*** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 26.10.2023

Pradeep/-