

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11285 of 2023

Applicant :- Manoj Singh

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

Counsel for Applicant :- Jyoti Rajpoot

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Jyoti Rajpoot, the learned counsel for the applicant, Sri Amitabh Chaturvedi, the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 671 of 2019, under Sections 273, 420, 467, 468, 471, 34 of IPC & Section 60(1), 63/72 of Excise Act, Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.07.2019 against nine named persons and owner of the container vehicle, alleging that illicit liquor was being unloaded by a container truck and stored in a godown.
4. In the affidavit filed in support of the application it has been stated that the applicant has been implicated in the present case as he is owner of the vehicle.
5. The State has filed a counter affidavit opposing the bail application and the criminal history of the applicant in two other cases has been disclosed thereof.
6. A rejoinder affidavit has been filed on behalf of the applicant stating that on the basis of alleged involvement in the present case the applicant has been implicated in a case under Section 3(1) U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986. Another case under Section 174-A IPC was registered in connection with the present case itself as the applicant is residing at Panipat, Hariyana he could not get information of this case. Another Case Crime No. 208/2020, under Sections 452, 323 & 506 IPC pointed out by the State does not relate to the applicant.

The learned counsel for the applicant has submitted that all the other co-accused have been granted bail and copies of their bail orders have been annexed with the affidavit filed in support of the bail application.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was not present on the spot of occurrence and he has been implicated merely because he owns the vehicle and that all the other co-accused persons have been granted bail and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands ***allowed***.

8. Let the applicant-***Manoj Singh*** be released on bail in Case Crime No. 671 of 2019, under Sections 273, 420, 467, 468, 471, 34 of IPC & Section 60(1), 63/72 of Excise Act, Police Station Kotwali Nagar, District Barabanki on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 1.11.2023

Pradeep/-