

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2389 of 2023

Applicant :- Avadhesh Verma

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

Counsel for Applicant :- Pawan Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pawan Kumar Pandey, the learned counsel for the applicant, Sri Anurag Verma, the learned AGA-I for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 157 of 2023, under Sections 420, 467, 468, 471 IPC and 60, 64(A) U.P. Excise Act, Police Station Sadarpur, District Sitapur.

3. The aforesaid case has been registered on the basis of an FIR lodged on 03.05.2023 by the Station House Officer against five persons alleging that on the basis of an information received from a mukhbir, the police along with some officials of the Excise Department, raided a house wherein two co-accused persons Bharat Prasad Soni and Satish Kumar Sharma were engaged in packaging of spurious liquor. The FIR alleges that the arrested persons told that the material being used by them is arranged by co-accused Vimal Jaiswal, who owns a country liquor shop situated nearby. He alleged that Vimal Jaiswal arranges ethyl alcohol, bar code, colour, bottles and shrink caps to co-accused Ram Sajeevan Jaiswal and the applicant.

4. In the affidavit filed in support of the application, the applicant's involvement in 12 other cases has been disclosed, in all of which he has already been granted bail.

5. Two arrested persons Bharat Prasad Soni and Satish Kumar Verma have already been granted bail by means of orders dated 28.07.2023 and 27.06.2023 passed by this Court in Criminal Misc. Bail Application Nos. 9535 of 2023 & 7986 of 2023 respectively.

6. Vimal Jaiswal has been exonerated by the Investigating Officer.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case solely on the basis of custodial statements of co-accused persons; that those co-accused persons have already been granted bail; that in the confessional statement, it has been stated that the applicant is an employee of co-accused Vimal Jaiswal and Vimal Jaiswal has been exonerated by the investigating officer, coupled with the fact that co-accused Ram Sajeevan, against whom similar allegation has been levelled, has been granted anticipatory bail and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Avadhesh Verma** before the learned Trial Court in the aforesaid complaint case, 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 :- 28.10.2023

Pradeep/-