

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13041 of 2023

Applicant :- Ali Ahmad @ Babbu Azad

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

Counsel for Applicant :- Irfan Alam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Irfan Alam, learned counsel for the applicant, Smt Parul Kant, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 235 of 2023, under Sections 4/5/6 Explosive Substance Act, 1908, registered at Police Station Kotwali Nagar, District Balrampur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.07.2023 against three persons, including the applicant, stating that on the basis of information received from a mukhbir a police team reached the house of the accused, Nisar Ahmad and some explosive substances were recovered from his house. Nisar Ahmad and Saif Ali were arrested on the spot and the applicant has been implicated in the instant case on the basis of custodial statement of co-accused persons.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated solely on the basis of custodial statement of the accused

persons; that no incriminating material has been recovered from his possession; that the applicant has no previous criminal history and he is languishing in jail since 09.09.2023 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**-Ali Ahmad @ Babbu Azad be released on bail in aforementioned case 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.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023
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