

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14235 of 2023

Applicant :- Ashish Tiwari

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

Counsel for Applicant :- Avnish Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Avnish Kumar Tiwari, learned counsel for the applicant as well as Sri Arun Kumar Verma, 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. 352 of 2020, under Sections 8/20 of N.D.P.S. Act, registered at Police Station-Bilgram, District- Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.08.2020 against three persons including the applicant, alleging that three persons riding two motorcycles were intercepted by police on the basis of information received from the mukhbir. Narain Mishra @ Shivam was arrested and other two accused persons escaped. 55.400 kg ganja being carried in a sack was recovered.
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. It is further submitted that co-accused Shivam, who was arrested on the spot has already been granted bail in Bail Application No.6852 of 2020.
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 in the present case wholly on the basis of; co-accused has already been granted bail; no incriminating material was recovered from the possession of the applicant; the applicant has no previous criminal history and he is languishing in jail since 05.11.2023 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- Ashish Tiwari be released on bail in the aforesaid 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 :- 4.12.2023

Manoj K.