

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14629 of 2023

Applicant :- Gaurav Jaiswal

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home, Lucknow

Counsel for Applicant :- Chandra Shekhar Pandey, Ashish Kumar Singh, Atul Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Kumar Mishra, learned counsel for the applicant, Sri Anurag 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. 168 of 2023, under Sections 272, 419, 420, 467, 468, 471 I.P.C. and Section 60/63 of U.P. Excise Act registered at Police Station Hindola, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.11.2023 against four persons including the applicant, stating that on the basis of information received from a mukhbir, three persons were apprehended on a flyover and smuggled liquor was recovered and 23 bottles of 750 ml each found for being sold in Chandigarh upon reaching was recovered from their possession along with some empty bottles, bottle caps and bar codes etc. As per the FIR allegation, upon pointing out of the aforesaid persons, a huge quantity of empty bottles were recovered from an open place and they confessed that they smuggled liquor from Punjab and Chandigarh etc, mix it with bottle, Pudin Hara and soft drink and filled it up in empty bottles and sell the same.

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

has further been stated in the affidavit that applicant is employed in the liquor shop, the police had demanded illegal gratification from him while he was working at his shop at 21:30 hrs on 07.11.2023 and on his refusal, he was taken away and was implicated in the present case showing a false recovery. Some photographs have been annexed with the affidavit filed in support of the aforesaid contention.

5. The learned A.G.A. has opposed the prayer for bail and he has submitted that as alleged was loss of revenue to the the state exchequer and have far reaching impact on the society. He has submitted that the investigation of the case is still going on.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant claims that he was taken away by some police persons in civil cloths from the liquor shop where he is employed, in the night of 07.11.2023 and the FIR falsely claims his arrest from a bridge in the morning of 08.11.2023, which contention is supported by some photographs; that the applicant has no criminal history and he is languishing in jail since 08.11.2023, 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- Gaurav Jaiswal** 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.

Order Date :- 13.12.2023/Raj