

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14802 of 2023

Applicant :- Manish Kumar Gupta

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

Counsel for Applicant :- Anurag Kumar Singh, Akhilendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anurag Kumar Singh, the learned counsel for the applicant, Sri Anant Pratap Singh, the 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 FIR/Case Crime No.1347 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C. and Section 3/7 of Essential Commodities Act, registered at Police Station Kotwali Sadar, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.11.2022 against two persons, including the applicant describing him to be an operator of the Govind Industries, stating that during an inspection in the applicant's establishment huge quantity of fake fertilizers and micro nutrients were recovered. After investigation a charge sheet was submitted on 28.05.2023 in which the only allegation was that out of 23 samples drawn from the applicant's premises 12 were found to be of substandard and without allegations could be established some goods were seized during the raid and some were ordered to be auctioned. The applicant had filed an appeal against the seizure order which was allowed by means of an order dated 01.04.2023, passed by learned Additional Sessions

Judge Court No.4/Special Judge, E.C. Act, Lakhimpur Kheri. The revision filed against the appellate order was allowed and the appellate order was modified to the extent that the substandard material only was liable for seizure and other material should be released in favour of the applicant. Previously, the applicant had filed Criminal Misc. Writ Petition No.8959 of 2022 and his arrest was stayed by means of an order dated 30.11.2022 passed by a Division Bench of this Court which order was to remain operative till filing of a report under Section 173 (2) Cr.P.C.

4. In the affidavit filed in support of the application for bail it has been stated that the applicant is innocent and he has been falsely implicated in the present case. In the affidavit filed in support of bail application it has also been stated that the applicant is a leader of trade association and he is involved in 12 other cases, in one of which he has been acquitted, in two cases the Investigating Officer has submitted final report, in 8 cases he has been granted bail and one case under Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 has been imposed against the applicant after his implication in the present case.

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 only allegation against the applicant is that some of the samples of fertilizer drawn from his premises have been found to be substandard and that the applicant is languishing in jail since 30.09.2023 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-Manish Kumar Gupta** 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 :- 15.12.2023
Ram.