Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43042 of 2020

Applicant :- Bilendra @ Devindra
Opposite Party :- State of U.P.
Counsel for Applicant :- Vivek Sharma
Counsel for Opposite Party :- G.A.

Hon'ble Ajit Singh,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material on record.

By means of this application, the applicant who is involved in Case Crime No. 586 of 2020, under Sections 60,63,72 Excise Act and section 420 I.P.C., P.S. Gajraula, district-Amroha and is in jail since 9.10.2020, is seeking enlargement on bail during the trial.

It is submitted by learned counsel for the applicant that similarly placed co-accused Arvind and Ankur have already been enlarged on bail by coordinate Bench of this Court vide order dated 26.11.2020 passed in Criminal Misc. Bail Application no. 41882 of 2020, copy of bail order produced by learned counsel for the applicant is taken on record. He further submitted that since the role of the applicant is identical to that of Arvind and Ankur who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.

The prayer for bail has vehemently been opposed by learned A.G.A. However, the aforesaid factual aspect of the matter has not been disputed by him.

Considering the submissions made by learned counsel for the applicant as well as learned A.G.A., larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of Dataram Singh vs. State of U.P. and another reported in 2018(3) SCC 22 and without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity.

In view of the above, let the applicant, **Bilendra @ Devindra** be released on bail in the aforesaid case on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the

court concerned with the following conditions :-

(a) The applicant shall attend the court according to the conditions of the bond executed by him.

(b) 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.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by learned counsel for the applicant along with a self attested identity proof of the said persons (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 2.12.2020
Faridul