

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40212 of 2019

Applicant :- Intakhab

Opposite Party :- State Of U.P.

Counsel for Applicant :- Ashok Kumar Singh Bais

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

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

Learned counsel for the applicant contended that the applicant has been falsely implicated in the present case. The alleged recovery of 149 gm. prohibited contraband (smack) has been falsely planted on the applicant, which is less than the commercial quantity. There is no independent witness of the alleged recovery and the compliance of provisions of section 50 N.D.P.S. Act has not been made. The applicant undertakes that he will not misuse the liberty of bail. The applicant is in custody since 24.06.2019.

Learned A.G.A. vehemently opposed the prayer of bail.

Upon hearing learned counsel and perusal of record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without expressing any view on the merits of the case, this Court is of the opinion that it is a fit case for bail.

Let the applicant Intakhab be released on bail in Case Crime No. 413 of 2019, under Sections 8/21 N.D.P.S. Act, P.S.-Mandi, District- Saharanpur 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 will not tamper with prosecution evidence.
- (ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.
- (iii) The applicant will not indulge in any unlawful activities.
- (iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Accordingly, the instant bail application is allowed.

Order Date :- 30.9.2019

HSM