

**Court No. - 53**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 24212 of 2020

**Applicant :-** Naim @ Lukka

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Rakesh Kumar Verma

**Counsel for Opposite Party :-** G.A.

**Hon'ble Suresh Kumar Gupta,J.**

Heard learned counsel for the applicant, Dr. S.B. Maurya, the learned A.G.A. and perused the material available on record.

Learned counsel for the applicant contends that applicant has been falsely implicated. That applicant is a poor person and sole bread earner of his family. He further submitted that nothing incriminating was recovered from the possession of the applicant and there are no independent witness of the alleged recovery. That applicant undertakes that he will not misuse the liberty of bail and he is in custody since 2.4.2019.

Learned A.G.A. and learned counsel for the first informant vehemently opposed the prayer of bail.

Upon hearing learned counsel for the parties, perusal of record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without commenting on the merits of the case, I find it a fit case for bail.

Let the applicant **Naim @ Lukka be released on bail** in Case Crime No. 151 of 2019, under Sections 3/5/25 of Arms Act, P.S. Mundhapandey, District Moradabad, on furnishing a personal bond and two sureties in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurise/intimidate the prosecution witness.
- (iii) The applicant will appear before the trial court on the date fixed.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

Application is, accordingly, **disposed of**.

**Order Date :-** 31.8.2020

Vibha Singh