

## **In Chamber**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 49639 of 2019

**Applicant :-** Bhatku @ Narendra Kumar Tripathi

**Opposite Party :-** Union of India

**Counsel for Applicant :-** Santosh Tripathi, Mandvi Tripathi

**Counsel for Opposite Party :-** Ashish Pandey

**Hon'ble Vivek Kumar Singh, J.**

Under the orders of Hon'ble The Chief Justice dated 24.4.2020 this bail application is listed today in my chamber.

I myself have perused the bail application as well as the accompanying affidavit as well as annexures filed in support thereof.

Learned Special Prosecutor, Narcotic Control Bureau, Lucknow has filed objections through e-mail. It is taken on record.

This is the second bail application of the applicant. The first bail application was rejected by this Court on 23.1.2019/26.3.2019. In the order dated 23.1.2019 trial of the case was directed to be concluded expeditiously, preferably within six months. It is averred that the applicant is not named in the complaint, he is innocent and languishing in jail since 13.9.2017, however, the trial has not been concluded as yet.

Considering the nature of accusation and the severity of punishment in case of conviction, period of detention and the nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment, and larger mandate of the Article 21 of the Constitution of India, the dictum of Apex Court in the case of **Dataram Singh v. State of U.P. and another, reported in (2018) 2 SCC 22** and without expressing any opinion on the merit of the case, I find it to be a case of bail.

Let the applicant- **Bhatku alias Narendra Kumar Tripathi** involved in N.C.B. No. 5 of 2015, under Sections 8/20/27A/29 N.D.P.S. Act, registered at Police Station Kokhraj, District Kaushambi be released on bail, on his executing a personal bond to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicant undertakes to furnish required

sureties within a period of one month from the date of his actual release in view of the order dated 6.4.2020 passed in Public Interest Litigation No. 564 of 2020.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.
4. In case the applicant has been enlarged on short term bail as per the order of Committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short term bail comes to an end.
5. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
6. 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.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :-** 30.4.2020  
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