

**Court No. - 71**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 5311 of 2021

**Applicant :-** Sazid

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

**Counsel for Applicant :-** Alok Kumar Singh, Sunil Kumar Dwivedi

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

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

Heard learned counsel for the applicant, Sri Sanjay Singh, learned AGA-I, appearing for the State and perused the material brought on record.

It has been contended by the learned counsel for the applicant that 150 gram contraband article, i.e., Alprazolam is said to have been recovered from the possession of the applicant. He further submits that there is no compliance of mandatory provisions of Sections 42 and 50 of the N.D.P.S. Act, hence the recovery is bad in the eyes of law. The applicant has no criminal history with respect to the N.D.P.S. Act. It has also been submitted that the applicant is languishing in jail since 14.12.2020. The applicant has no other reported criminal antecedent.

Learned A.G.A. has vehemently opposed the prayer.

Courts have taken notice of the overcrowding of jails during the current pandemic situation (Ref.: Suo Motu Writ Petition (c) No. 1/2020, Contagion of COVID 19 Virus in prisons before the Supreme Court of India). These circumstances shall also be factored in while considering bail applications on behalf of accused persons.

Having heard the submissions of learned counsel of both sides, nature of accusation and the severity of punishment in case of conviction 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 applicant- **Sazid**, be released on bail in Case Crime No. 1975 of 2020, under Sections- 8/21 The Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Indirapuram, District- Ghaziabad, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

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.

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

prison.

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.

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

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

The computer generated copy of such order shall be self attested by the counsel of the party concerned.

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 :- 30.7.2021**

Arti