

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32806 of 2021

Applicant :- Parvez

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Anil Kumar Ojha,J.

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

This bail application has been filed by the applicant seeking bail in Case Crime No. 261 of 2021, under Sections 8/20 NDPS Act, Police Station Bilaspur, District Rampur, during pendency of trial.

It is submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated in the case. He further submits that false recovery of 510 gram Charas has been shown from the possession of the applicant, which is less than commercial quantity, which is 1 kg. He further submits that there is no independent witness of the alleged recovery. He further submits that neither the applicant has committed any such offence as alleged by the prosecution nor there is any credible evidence regarding his complicity in the alleged offence and has been falsely implicated just to harass, victimise and exert undue pressure on him. He further submits that there are no chances of applicant's fleeing from the judicial process or tampering with the prosecution evidence, and is in jail since 04.07.2021 having no criminal history.

Learned A.G.A. opposed the prayer of bail application but did not dispute the fact as raised by learned counsel for the applicant.

Nature of accusation, evidence collected by I.O. in support of the charge, gravity of offence, complicity of accused, nature and severity of punishment and all other attending circumstances were duly considered.

Considering the rival submissions of the learned counsel for the parties, keeping in view the facts and circumstances of the case, particularly the fact that alleged recovery of Charas from the possession of the applicant is below commercial quantity, without commenting upon merits of the case, a case for bail is made out.

The bail application is accordingly **allowed**.

Let the applicant **Parvez** involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the 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.

(iv)The applicant shall report to the police station concerned in the first week of each month to show his good conduct and behavior.

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

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

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

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

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

Order Date :- 31.8.2021

v.k.updh.