

Court No. - 81

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47556 of 2022

Applicant :- Narottam Das Alias Kallu

Opposite Party :- State of U.P.

Counsel for Applicant :- Pt. S.P. Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

The applicant seeks bail in Case Crime No. 255 of 2022, under Section 8/20 of N.D.P.S. Act, Police Station Gursanray, District Jhansi.

1 Kg. 225 Grams Ganja is alleged to have been recovered from the possession of the applicant, which is less than the commercial quantity. The applicant is innocent, he has not committed the alleged offence, but he has been falsely implicated in the present case. There is no compliance of mandatory provision of Sections 50, 51 and 52 of the N.D.P.S. Act and there is no independent witness of the incident. The applicant has no criminal history. It is next submitted that co-accused Dharmendra Singh from whose possession 1 Kg. 275 Grams Ganja was recovered, has been granted bail by another Bench of this Court vide order dated 18.10.2022 passed in Criminal Misc. Bail Application No. 46428 of 2022, therefore, applicant is also entitled to be released on bail on the ground of parity. It is next submitted that there is also no possibility of applicant either fleeing away from the judicial process or tampering with the witnesses. Applicant, who is in jail since 23.08.2022, undertakes that he will not misuse the liberty, if granted.

Learned AGA for the State opposed the bail application but could not dispute the aforesaid submissions as argued on behalf of the applicant.

Considering the facts and circumstances of the case and without expressing any opinion on merits of the case, the bail application is allowed.

Let the applicant- **Narottam Das Alias Kallu** be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.10.2022
Rmk.