

Prem Narayan vs State Of U.P. on 11 January, 2023

Author: Ajay Bhanot

Bench: Ajay Bhanot

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 97 of 2023

Applicant :- Prem Narayan

Opposite Party :- State of U.P.

Counsel for Applicant :- Pavan Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No.285of 2022at Police Station-Sumerpur, District-Hamirpurunder Sections420, 467, 468, 471, 272 and 273 I.P.C. read with Section 59 of Food Safety and Standard Act. The applicant is in jail since17.07.2022.

The bail application of the applicant was rejected by the learnedAdditional District and Sessions Judge, Hamirpur on 03.09.2022.

The following arguments made by ShriPavan Kumar Mishra, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by ShriMarkandey Singh, learned AGA from the record, entitle the applicant for grant of bail:

(1).The applicant has been falsely implicated in the instant case.

- (2).The applicant was not identified as the principal offender.
- (3).The recovered items were provided by his employer to be kept at his home.
- (4).The applicant does not have any criminal history apart from the instant case.
- (5). The other co-accused persons, namely, Ashish Gupta, Pradeep Gupta and Mahesh Kumar Gupta, have been enlarged on bail by this Court on 01.12.2022, 05.12.2022 and 30.11.2022 in Criminal Misc. Bail Application No.37786 of 2022, Criminal Misc. Bail Application No.37681 of 2022 and Criminal Misc. Bail Application No.52088 of 2022 respectively. The case of the applicant stands on a better footing than the said co-accused persons. However, he seeks parity in relief granted to the said co-accused persons.
- (6). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Prem Narayan 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 or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 11.1.2023 A.N. Mishra