

**Court No. - 66**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 29718 of 2023

**Applicant :-** Nasir Alam

**Opposite Party :-** State Of U.P. . And Another

**Counsel for Applicant :-** Sunil Kumar Srivastava

**Counsel for Opposite Party :-** Ashish Pandey,G.A.

**Hon'ble Ajay Bhanot,J.**

For consideration of the consequences regarding failure of the police authorities to serve summons and execute coercive measures issued by the courts, see **Criminal Misc. Bail Application No. 16871 of 2023, (Bhanwar Singh @ Karamvir Vs. State of U.P.)**.

This is the second bail application.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.468 of 2022 at Police Station-Naubasta, District-Kanpur Nagar under Section 8/18 of the NDPS Act. The applicant is in jail since 10.06.2022.

The first bail application of the applicant was rejected by this Court on 02.01.2023.

The applicant is on an interim bail granted by this Court on 19.07.2023.

The following arguments made by Shri Sunil Kumar Srivastava, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh

Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen and had always cooperated with the investigations and joined the trial.
2. The prosecution witnesses are not cooperating with the trial proceedings and are responsible for the delay in conclusion of the trial.
3. The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant cannot be faulted for the delay in the trial.
4. Inordinate delay in concluding trial has lead to virtually an indefinite imprisonment of the applicant.
5. The applicant does not have any criminal history apart from this case.
6. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial 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- Nasir Alam be released on bail in the aforesaid case crime number, on the sureties already

furnished while being enlarged on interim bail. 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 :-** 24.8.2023

Ashish Tripathi