

Court No. - 13

Case :- GOVERNMENT APPEAL No. - 35 of 2023

Appellant :- State of U.P.

Respondent :- Shanker Rawat

Counsel for Appellant :- Govt. Advocate

Counsel for Respondent :- Dhananjai Kumar Tripathi

Hon'ble Suresh Kumar Gupta,J.

1. On 12.4.2023, in the APPLICATION U/S 378 No. - 125 of 2013 relating to the present case, the following order was passed:-

"Heard Shri Brijendra Singh, learned AGA-1 for the State and Shri Dhananjai Kumar Tripathi, learned counsel for the opposite party.

Learned counsel for the appellant submitted that the charges have been framed against the accused opposite party under Sections 8/21/27A of NDPS Act which provide punishment for financing illicit traffic and harbouring offenders. It has been submitted that PW1 and PW2 have specifically mentioned that the accused opposite party used to harbour and get the illegal contraband substance. The other co accused Ramesh Rawat has been convicted for ten years under same set of facts whereas accused opposite party against whom charges have been framed under section 27A of NDPS Act has been acquitted. It has been submitted that on the same set of facts and looking to the provisions of Section 27A of NDPS Act, the order of acquittal against the present accused opposite party does not appears to be correct.

Looking to the facts and circumstances of the case, the matter requires consideration.

Accordingly, the application is allowed. Leave to appeal is granted.

(Appeal)

Admit.

Issue bailable warrant against the accused opposite party Shanker Rawat, through Chief Judicial Magistrate concerned. The accused opposite party will be released on bail. The bail bond will be executed before the Court concerned for appearance before this Court on the date fixed.

List this case on 29.05.2023. On the date of listing, the accused opposite party shall appear before this Court".

In compliance of the order dated 29.5.2023, the bailable warrant issued against the opposite party and he has obtained bail from the trial court concerned. The opposite party no. 2 is present before this Court along with his counsel.

There is no need of further appearance of opposie party no. 2.
His counsel is ready to argue on behalf of him on each and
every dates.

List in the week commencing 24.7.2023 for final hearing.

Order Date :- 29.5.2023

Anuj Singh