
(2009) 05 AHC CK 0199

Allahabad High Court

Case No: None

Kamlesh Kumar @ Bhusi Yadav

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: May 25, 2009

Hon'ble Judges: Alok Kumar Singh, J

Final Decision: Disposed Of

Judgement

Alok K. Singh, J.

Heard.

Admit.

Call for the lower court record.

List for hearing on its turn after the record is received.

Heard learned counsel for the appellant and learned A.G.A. on the prayer for bail.

The appellant has been convicted and sentenced in Sessions Trial No.27 of 2008 as under

1.Under Section 8/20 N.D.P.S. Act Five years" R.I. with a fine of Rs.10,000/.

It is submitted that the severity of punishment is not much and the nature of accusation is also not very grave. During trial he was on bail which he never misused. It is also submitted that speedy justice is a fundamental right but the appeal may take a couple of years or even more in its final disposal. The appellant has every hope of success in the appeal.

The bail is, however, opposed by learned A.G.A.

In view of the aforesaid facts and circumstances and without entering into merits of the case, I find it to be a fit case for granting bail. Let the appellant (Kamlesh Kumar @ Bhusi Yadav) be enlarged on bail on his furnishing a personal bond and two

sureties in the like amount to the satisfaction of the Magistrate/court concerned.

However, the fine is not stayed. Let the same be deposited within two months from the date of his release, if not already deposited. Subject to the above the sentence of imprisonment shall remain suspended during the pendency of the appeal.