



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1565/2025</u> Javed Hasan --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Ms. Amreen Bano, learned counsel for the applicant. 2. Mr. Sandeep Sharma, learned AGA for the State. 3. Present applicant "Javed Hasan, son of Aale Hasan", is praying for regular bail in reference to FIR dated 26.12.2024 bearing FIR No. 49 of 2024 registered at Police Station - Bhatraujkhan, District - Almora, wherein present applicant along with Mohd. Hasnain, Dilshad and Asif have been implicated for the offences punishable under Section 8, 20 and 60 of the NDPS Act. 4. It is argued by the learned counsel for the applicant that applicant is innocent and has been falsely implicated. There is joint recovery of 75.355 Kg of Ganja from two cars, and the quantity as shown to be recovered from the other co-accused is below commercial quantity i.e. 15.435 Kg and they have been enlarged on bail by the Coordinate Bench, however, commercial quantity of contraband is shown to be recovered from the present applicant. She submits that applicant was arrested on 27.12.2024 and since then, he is languishing in jail. She further submits that other two accused Dilshad and Asif have enlarged on bail on two grounds, first: the contraband shown to be recovered from them was below commercial quantity and they have no previous criminal history except one case, arising out of the present FIR. In reference to the quantum of the contraband, which is shown to be recovered from



		the present applicant, she submits that this is a joint recovery and even if, the contraband, which is shown to be recovered from the present applicant is commercial one, even then, applicant has suffered long incarceration of 1 ½ years, therefore, this aspect can be looked into to dispense with the rider of Section 37 of the NDPS Act. With regard to the criminal antecedents, she submits that applicant has history of only one criminal case of NDPS Act, in which he is already been bailed out in which Charas was shown to be recovered from the present applicant. She further submits that since the applicant is in jail since 27.12.2024 and if the applicant is released on bail, there is no possibility that he will be indulge in such criminal activities, however, the Court may impose some stringent conditions. 5. On the other side, learned State Counsel have not disputed that co-accused have already been enlarged on bail by the Coordinate Bench on 05.08.2025 and applicant is languishing in jail since 27.12.2024, however, he submits that applicant does not deserve for bail on the ground parity, since the contraband which is shown to be recovered from the applicant is commercial one and co-accused have no criminal antecedents, though the present applicant has criminal history of one case that too under the NDPS Act. 6. After hearing the learned counsel for the parties and taking into consideration that applicant is languishing in jail since 27.12.2024 and co accused have already been enlarged on bail, this Court is of the view that applicant deserves for bail, since long incarceration can be considered to be a factor in order to dispense with the stringent condition of Section 37 in terms of the NDPS Act. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the applicant "Javed Hasan, son of Aale Hasan", be released on bail on furnishing his personal bond and two sureties, each of the like amount to the satisfaction of the court concerned subject to the following condition:
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			i. After being released on bail, applicant shall join the trial court proceeding on each and every date and he shall not seek any unnecessary adjournment. ii. He shall surrender his passport, if any, in the trial court. iii. If applicant is found to be indulged in such criminal activities, in future, then the prosecution is free to move an application for cancellation of bail. (Rakesh Thapliyal, J.) 22.07.2026 SKS
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