



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/2523/2025</u> Bhanu Pratap --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Saurabh Kumar Pandey, learned counsel for the applicant. 2. Mr. Sandeep Sharma, learned A.G.A. with Mr. Chitrarth Kandpal, learned Brief Holder for the State. 3. The present applicant 'Bhanu Pratap' S/o Liladhar is praying for bail in reference to First Information Report dated 07.09.2025 bearing FIR No. 0137 of 2025 P.S. Pulbhatta, District Udham Singh Nagar, wherein, he has been implicated for the offence punishable under section 8/22 of NDPS Act. 4. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and is in judicial custody since 07.09.2025. He submits that the alleged prohibited drug, which is shown to be recovered though is commercial one but he is using for his personal use and there is no any such material with the prosecution that he was using for other purposes. 5. He also submits that since the alleged prohibited drugs, which is shown to be recovered, is commercial one, therefore, the rider of Section 37 will come into the way. In reference to section 37 of the NDPS Act, he submits that in the earlier previous case relating to the same nature of allegation the applicant was already enlarged on bail, however, in the present case he is languishing in jail since 07.09.2025 and he is also suffering from the serious deceased of AIDS and, therefore,



			the rider of section 37 may be dispensed with. 6. On the other side, learned State counsel also admits that the applicant is suffering from AIDS and is languishing in jail since 07.09.2025. 7. After hearing the submission of learned counsel for the parties and taking into consideration the stringent condition as stipulated under section 37 of the NDPS Act and the fact that the present applicant is languishing in jail since 07.09.2025 and is suffering from AIDS, this court is of the view that at this juncture that when the applicant is suffering from a serious disease the rider of section 37 can be dispensed with. 8. In such view of the matter without expressing any opinion on the merit of the case the bail application is allowed. 9. Let the applicant 'Bhanu Pratap' be released on bail on furnishing his personal bond and two reliable sureties each of the like amount to the satisfaction of court concerned subject to the following conditions: - After being released on bail the applicant shall not indulge in any such activity and even he will not use the prohibited drugs for his personal use. - After being released on bail he shall cooperate with the trial court proceeding on each and every date without seeking unnecessary adjournment but if the applicant sought adjournment on the medical ground the Trial Court may consider the same sympathetically. (Rakesh Thapliyal, J.) 16.07.2026 PR
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