

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 47 of 2024

Tanveer

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Lalit Miglani, Advocate for the applicant.

Ms. Manisha Rana Singh, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody FIR/Case Crime No. 0035 of 2023, under Section 8/22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 ("the Act"), Police Station Kaliyar Sharif, District Haridwar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. This is the second bail application. The first bail application, being BA1 No.592 of 2023, was dismissed as withdrawn on 14.12.2023.

4. Learned counsel for the applicant would submit that the applicant was arrested on 30.01.2023; chargesheet was submitted on 07.07.2023, but charges could be framed on 21.07.2023. It is submitted that so far, only one witness has been examined. It is submitted that PW1 was examined

on 15.09.2023. The applicant has never sought any adjournment in the case.

5. These factual aspects have not been denied by the learned State counsel.

6. It is a case pertaining to recovery of narcotic substances in commercial quantity and in such cases, Section 37 of the Act makes specific provisions. Bail in such cases may not be granted, unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. But, denial of bail does not give unfettered liberty to the prosecution to keep a person in custody without conducting a trial.

7. The applicant is in custody for more than a year. In between, for more than six months, no progress was made in the case. The trial has yet not concluded. It commands the Court to release the applicant on bail.

8. Having considered the entirety of facts, this Court is of the view that the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable

sureties, each of the like amount, to the satisfaction of the Court concerned.

(Ravindra Maithani, J.)
10.07.2024

Jitendra