HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.288 of 2024

Bhuwan Chandra Suyal .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Lalit Sharma, Advocate for the applicant.
Mr. Siddharth Bisht, A.G.A. with Mr. Himanshu Sain, Brief Holder for the State.

And

First Bail Application No.290of 2024

Naval Pandey .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Lalit Sharma, Advocate for the applicant.
Mr. Siddharth Bisht, A.G.A. with Mr. Himanshu Sain, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Since both these bail application arise from one and the same FIR, they are decided by this common order.

2. Applicants are in judicial custody in FIR No. 39 of 2023, under Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Lamgada, District Almora. They have sought their release on bail.

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

4. According to the FIR, on 15.12.2023, *charas* was recovered from the possession of the applicants.

5. Learned counsel for the applicants would submit that the entire case is false. He would submit that as per the prosecution, the inventory report was prepared at the spot, but it bears the FIR number and its details, which is not possible because the FIR was lodged much after the alleged recovery.

6. Learned State counsel admits that the inventory report was prepared at the spot and it also bears the FIR number.

7. The Court wanted to know as to how the FIR number has been included in the inventory report which was prepared much after the alleged recovery? He would reply that there is no instruction on this aspect.

8. Undoubtedly, as per the prosecution, the inventory report was prepared at the spot when the alleged recovery was made. The question remains open as to if it is so, how FIR number was included in the inventory report which was lodged much after the alleged recovery? It makes out a case for bail.

9. Having considered the entirety of facts, this Court is of the view that the applicants deserve to be enlarged on bail.

10. The bail applications are allowed.

11. Let the applicants be released on bail, on their executing a personal bond and furnishing two reliable sureties by each one of them, each of the like amount, to the satisfaction of the Court concerned.

(Ravindra Maithani, J)
26.12.2024

Jitendra