HIGH COURT OF UTTARAKHAND AT NAINITAL

2nd Bail Application No. 171 of 2024

Laxman Singh .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-
Mr. K.S. Dugtal, Advocate for the applicant.
Mr. V.S. Rawat, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Laxman Singh is in judicial custody in FIR No. 12/2022, under Sections 8, 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Munsiyari, District Pithoragarh. He has sought his release on bail. This is second bail application of the applicant. His first bail application has been rejected by this Court on 26.12.2023.

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

3. According to the FIR, on 22.12.2022, *Charas* in commercial quantity was recovered from the possession of the applicant.

4. Learned counsel for the applicant would submit that the entire case is false; there are grave contradictions in the statements of the witnesses; PW 1 Sanjeev Kumar and PW 4 Bhupal Singh Rautela both are said to be the

witnesses of recovery, but, their statements are contradictory as to which scale was used for weighing the recovered article. He would submit that as per PW 1 Sanjeev Kumar, it was an electronic weighing scale, whereas according to PW 4 Bhupal Singh Rautela, the manual weighing scale was taken from a shopkeeper. It is also argued that as per the prosecution, inventory report was prepared at the spot, but it bears the FIR number, which was lodged much after the recovery. These factual aspects have been indicated by the learned counsel for the applicant by referring to the documents.

5. The Court wanted to know from the learned State Counsel as to how the inventory report prepared at the spot bears the FIR number, which was lodged much thereafter? The answer is “there is no specific instruction”.

6. Having considered the points raised in the instant bail application, this Court is of the view that these are new grounds which entitle the applicant to bail. Accordingly, the second bail application deserves to be allowed.

7. The second bail application is allowed.

8. 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)
17.12.2024

Avneet/