HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No.208 of 2024

Rajeev .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-
Mr. Karan Singh Dugtal, Advocate for the applicant.
Ms. Manisha Rana Singh, Deputy Advocate General for the State.

With

First Bail Application No.1641 of 2024

Mohd. Aslam .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-
Mr. Akram Parvez, Advocate for the applicant.
Ms. Manisha Rana Singh, Deputy Advocate General for the State.

Hon'ble Ravindra Maithani, J. (Oral)

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

2. The applicants Rajeev and Mohd. Aslam are in judicial custody in FIR No.57 of 2023, dated 18.03.2023, under Sections 8/22/60 and 8/22 of The Narcotic Drugs And Psychotropic Substances Act, 1985 ("the Act")

respectively, Police Station Pulbhatta, District Udham Singh Nagar. They have sought their release on bail.

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

4. According to the FIR, narcotic substances in commercial quantity was allegedly recovered from the applicants on 18.03.2023.

5. Learned counsel for the applicants would submit that in these cases charge-sheet was filed on 02.09.2023; charges were framed on 28.11.2023. Examination-in-Chief of PW1 was recorded on 20.05.2024, but the applicants remain unrepresented. The lawyer appointed by the District Legal Services Authority did not cross-examine the witness on that date. Thereafter, no witness has been examined and the trial has yet not been concluded.

6. Learned State counsel admits these factual aspects.

7. It is a case of recovery of commercial quantity of narcotic substance 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.

8. The applicant is in custody for more than one year. In between for more than 06 months, no witness has been examined and the trial has yet not been concluded. It commands this Court to enlarge the applicants on bail.

9. Having considered, this Court is of the view that these are the cases fit for bail and 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, each of the like amount, by each one of them, to the satisfaction of the court concerned.

(Ravindra Maithani, J.)
11.12.2024

Sanjay

SANJAY KANOJIA

Digitally signed by SANJAY KANOJIA
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