HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 309 of 2024

Rajendra Singh Bora Alias Raju Bora ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Vikas Anand and Ms. Gyanmati Kushwaha, Advocates for the applicant.
Mr. Siddharth Bisht and Mr. Himanshu Sain, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody FIR/Case Crime No. 48 of 2023, under Section 8/20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 ("the Act"), Police Station Lalkuan, District Nainital. 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 The first bail application, being BA1 No.2657 of 2023, was dismissed as withdrawn on 01.08.2024.

4. Learned counsel for the applicant would submit that the applicant was arrested on 21.02.2023; chargesheet was submitted on 08.08.2023; charges were framed on 27.10.2023. It is submitted that PW1 was examined on 21.02.2024; PW2 was examined on 06.04.2024; the PW3

was examined on 29.05.2024. 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 *charas* 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.)
19.12.2024

Ravi Bisht

RAVI BISHT

Digitally signed by RAVI BISHT
DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=ded921477e34e304cbcb0b52d4a5953e6d2018d38d0b6 68a1c0687f939f1e66ik, postalCode=263001, st=UTTARAKHAND, serialNumber=AA64B1F4450065524E5485E0704496104E52FD29C 6F01CD9013526E09D64A1D3A, cn=RAVI BISHT
Date: 2024.12.19 16:07:40 +05'30'