

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.2431 of 2023

Akshay Kumar SinghalApplicant

Versus

Narcotics Control Bureau, DehradunRespondent

Present:-

Mr. Pankaj Kumar Sharma, Advocate for the applicant.

Mr. Shobhit Saharia, Advocate for the respondent.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Akshay Kumar Singhal is in judicial custody in Case Crime No.03 of 2022, under Sections 8/22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station NCB, District Dehradun. He has sought his release on bail.

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

3. The prosecution case against the applicant is as follows. On 12.04.2022 at 12:00 in the noon, Narcotic Control Bureau (NCB) recovered narcotic substances in lesser quantity from co-accused Naved. Subsequently, when the matter was investigated, it was revealed that, in fact, it is the applicant who was using the license of co-accused Vaibhav Sharma and diverting the narcotic substance to various persons; the applicant himself was

making financial transactions with the dealers. He would give Rs.10,000/- per month to the co-accused Vaibhav Sharma in whose name license was taken.

4. Learned counsel for the applicant would submit that no recovery was made from the applicant. The recovery was made from co-accused Naved, he has already been granted bail. There are other co-accused, who have already been granted bail. He would submit that his name was disclosed by one Himanshu Jha. But, Himashu Jha has also stated that he was given orders sometimes by the applicant and sometimes by the co-accused Vaibhav for medicines.

5. It is the stage of bail. Much of the discussion at this stage is not expected of. To the extent of appreciating the controversy, the matter may be examined with the caveat that any observation, made at this stage, shall have no bearing at any subsequent stage of the case.

6. It is not a case of no license. What is the case of NCB is that license was obtained in the name of co-accused Vaibhav Sharma, but it was used by the applicant. He was, independently, using that licence and procuring narcotic substance and diverting. He was

making payment for it. The statement of one Himanshu Jha has been referred to, who is a wholesaler. He has stated that he was given orders sometimes by the applicant and sometimes by the co-accused. According to him, in fact, Vaibhav Sharma has introduced the applicant as his friend who was working with him.

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

8. The bail application is allowed.

9. 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)
07.05.2024

Ravi