

HIGH COURT OF UTTARAKHAND AT NAINITAL

Fourth Bail Application No. 24 of 2023

Nav Vardhan Tiwari

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Karan Singh Dugtal and Mr. Vikas Singh Yadav,
Advocates for the applicant.

Ms. Manisha Rana Singh, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Nav Vardhan Tiwari is in judicial custody FIR/Case Crime No. 187 of 2021, under Section 8/20/60 of the Narcotic Drugs & Psychotropic Substances Act, 1985 ("the Act"), Police Station Haldwani, District Nainital. He has sought his release on bail.

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

3. This is the fourth bail application. The first bail application, being BA1 No.1531 of 2021 was dismissed on 15.11.2021.

4. According to the case, on 08.03.2021, charas in commercial quantity was recovered from the possession of the applicant.

5. Learned counsel for the applicant would submit that the applicant was arrested on 04.04.2021; charge sheet was filed in the matter on 29.06.2021, the charges could be framed on 22.09.2021. It is submitted that that the statement of PW1 were recorded on 12.06.2023; during this, the applicant never sought any adjournment.

6. These factual aspects have not been denied by the learned State counsel.

7. 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.

8. The applicant is in custody for more than two years. In between more than six months, no other witness has been examined.

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

10. The bail application is allowed.

11. 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.)
08.01.2024

Ravi Bisht