HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 2520 of 2024

Vivek Saxena alias Vivek .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Basant Singh, Advocate holding brief of Mr. Harshpal Sekhon, Advocate for the applicant.
Mr. S.C. Dumka, AGA for the State.

First Bail Application No. 2542 of 2024

Arvind Saxena alias Arvind .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Basant Singh, Advocate holding brief of Mr. Harshpal Sekhon, Advocate for the applicant.
Mr. S.C. Dumka, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

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

2. Applicants Vivek Saxena *alias* Vivek and Arvind Saxena *alias* Arvind are in judicial custody in FIR No. 606 of 2024 dated 12.12.2024, under Section 8/18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act"), Police Station Rudrapur, District Uhdham Singh Nagar. They have sought their release on bail.

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

3. According to the FIR, 2.023 kgs. *Opium* was allegedly recovered from a motorcycle driven by the applicant Vivek Saxena *alias* Vivek, in which the applicant Arvind Saxena *alias* Arvind was a pillion rider. It was the pillion rider, who was holding the bag containing *Opium.*

4. It is the case of the applicants that nothing was recovered from them; the allegedly recovered quantity is less than commercial; the applicants are not previous convicts.

5. Learned State Counsel admits that the applicants are not previous convicts.

6. Having considered, this Court is of the view that it is a case fit for bail and the applicants deserve to be enlarged on bail.

7. The bail applications are allowed.

8. 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)
30.12.2024

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