HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 73 of 2025

Mohd. Imran @ Raja .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-
Mr. Vikas Singh Yadav, Advocate for the applicant.
Mr. Vijay Khanduri, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in FIR No.69 of 2024, under Sections 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Vanbhoolpura, District Nainital. He has sought his release on bail.

2. Heard learned counsel for the parties and perused.

3. This is the second bail application. The first bail application, being BA1 No.1831 of 2024, was dismissed in non-prosecution on 05.11.2024.

4. Learned counsel for the applicant submits that, in fact, the grounds of arrest were not communicated to the applicant in writing, and it makes a ground for bail, as laid down by the Hon'ble Supreme Court in the case of Vihaan

Kumar Vs. State of Haryana and Another, 2025 SCC OnLine SC 269.

5. Learned State Counsel gives a statement that the grounds of arrest, in writing, were not communicated to the applicant.

6. In para 21 of the judgment in the case of Vihaan Kumar (*supra*), the Hon'ble Supreme Court observed as follows:-

> **"21.** Therefore, we conclude:
>
> a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);
>
> .....
> .....
> .....
> .....
>
> f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established."

7. Having considered, this Court is of the view that it is a case fit for bail and 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 in the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J)
17.07.2025

Ravi Bisht