

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 242 of 2024

Rajendra Singh Bora Alias Raju ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Sanjay Bhatt, Advocate for the applicant.

Mr. S.C. Dumka, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody Special Sessions Trial No.07 of 2024, State Vs. Rajendra Singh Bora alias Raju, pending in the court of Special Sessions Judge (NDPS Act)/ Session Judge, Champawat, arising out of FIR No. 31 of 2023, under Section 8/20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 ("the Act"), Police Station Pati, District Champawat. 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.209 of 2024, was dismissed in non-prosecution on 08.04.2024.

4. Learned counsel for the applicant would submit that the applicant was arrested on 18.11.2023; chargesheet was submitted on 06.02.2024; cognizance was taken on

11.03.2024; charges were framed on 18.03.2024. It is submitted that PW1 was examined on 21.10.2024; PW2 was examined on 21.11.2024. 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.)
13.02.2025

Ravi Bisht