# HIGH COURT OF UTTARAKHAND AT NAINITAL

## Second Bail Application No. 260 of 2024

Amit Kumar Pal ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Abhishek Joshi, Advocate for the applicant.
Mr. Siddharth Bisht, A.G.A. for the State.

**Hon'ble Ravindra Maithani, J. (Oral)**

Applicant is in judicial custody FIR/Case Crime No. 110 of 2023, under Section 8/21(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985 ("the Act"), Police Station Shyampur, District Haridwar. 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.2362 of 2023, was dismissed in non-prosecution on 24.05.2024.

4. According to the prosecution case, on 12.09.2023, smack in commercial quantity was recovered from the possession of the applicant.

5. Learned counsel for the applicant submits that the applicant is in custody for a long; cognizance was taken on 08.03.2024; charges were framed on 01.07.2024. It is submitted that PW1 was examined on 22.11.2024, and thereafter, no prosecution witness was examined, and the prosecution is regularly taking adjournments.

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

7. It is a case pertaining to recovery of smack 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 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.

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.)
31.10.2025

Ravi Bisht