

(2023) 07 UK CK 0019

Uttarakhand High Court

Case No: First Bail Application No. 1467 Of 2023

Kallu

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: July 5, 2023

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 8, 21, 29

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Mani Kumar, Pramod Tiwari

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This Bail Application has been filed by the applicant-accused Kallu for grant of regular bail in connection with First Information Report No. 163 of

2023, registered at police station Kichha, District Udham Singh Nagar under Section 8/21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. As per FIR, 17.20 grams of smack, 27.20 grams of smack and 18.60 grams of smack were recovered from the possession of three co-accused on

13.05.2023. They were arrested at 21.15 hrs. The name of the present applicant has come in the confessional statements of the co-accused persons.

3. Heard Mr. Mani Kumar, learned counsel for the applicant and Mr. Pramod Tiwari, learned Brief Holder for the State.

4. Mr. Mani Kumar, Advocate, contended that the applicant has been falsely implicated by the co-accused persons; he was not on the spot; nothing

was recovered from his possession; he is in custody since 02.06.2023; he is a permanent resident of District Udham Singh Nagar; two co-accused have been granted bail by this Court; and, the charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

5. On the other hand, learned counsel for the State has opposed the bail application orally.

6. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

7. The Bail Application is allowed.

8. Let the applicant " Kallu 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.