

(2024) 12 UK CK 0037

Uttarakhand High Court

Case No: First Bail Application No. 297 Of 2024

Sahil

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 10, 2024

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 8, 22, 37, 60

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Vikas Singh Yadav, Manisha Rana Singh

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Applicant is in judicial custody in Case Crime No.178 of 2022, under Section 8/22/60 of the Narcotic Drugs & Psychotropic Substances Act, 1985

(the Act), Police Station Banbhulpura, Haldwani, District Nainital. He has sought his release on bail.

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

3. According to the FIR, on 15.06.2022, narcotic substance was recovered from the possession of the applicant.

4. Learned counsel for the applicant would submit that the charge sheet was submitted on 06.12.2022, but charges could be framed on 27.01.2023;

PW1 was examined on 25.08.2023; PW2 was examined on 08.02.2024, PW3 was examined on 19.02.2024, PW4 was examined on 24.04.2024 and

PW5 was examined on 29.05.2024, but thereafter, no witness has been examined.

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

6. It is a case pertaining to recovery of commercial quantity of the narcotic substance 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.