

Arjun Kumar & Others Vs State Of Uttarakhand

Court: Uttarakhand High Court

Date of Decision: Feb. 14, 2025

Acts Referred: Narcotic Drugs And Psychotropic Substances Act, 1985 " Section 8, 20, 27A, 29, 60

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Pawan Mishra, Manisha Rana Singh

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Since both these bail applications arise from one and the same FIR, they are decided by this common order.

2. Applicants are in judicial custody in Case Crime/FIR No. 17 of 2025, under Sections 8/20/29/27-A/60 of the Narcotic Drugs and Psychotropic

Substances Act, 1985 ("the Act"), Police Station Raipur, District Dehradun. They have sought their release on bail.

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

4. According to the FIR, upon information having been received, on 19.01.2025, the police raided a house and apprehended the applicants and the co-

accused Kiran. Police recovered 548 gram charas from the possession of the applicant Arjun Kumar and from the co-accused Kiran 510 gram

charas was recovered, who then told that, in fact, it is the applicant Vikas Singh, who had given him the charas.

5. Learned counsel for the applicants would submit that the alleged recovered quantity is less than commercial; there is non compliance of the

mandatory provisions of the Act; there is no independent witness; the applicants have no criminal history.

6. Learned State counsel would submit that as per instructions, the alleged recovered quantity is commercial because they all were involved together.

7. It is a specific case that from the possession of co-accused Kiran 510 gram charas was recovered and from the possession of the applicant Arjun

Kumar 548 gram charas was recovered, which is not commercial. As per FIR, nothing was recovered from the applicant Vikas Singh.

8. Having considered, this Court is of the view that it is a case fit for bail and the applicants deserve to be enlarged on bail.

9. The bail applications are allowed.

10. Let the applicants be released on bail, on their executing a personal bond and furnishing two reliable sureties by each one of them, each of the like

amount, to the satisfaction of the court concerned.