

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 31st December, 2008
2nd Bail Application No. 1109 of 2008
Order on the bail application of the accused.

Laxman Singh alias Lachu			
S/o Sri Govind Singh			Applicant
	<u>Versus</u>		
State of Uttarakhand			Opposite Party

In Case Crime No. 2261 of 2007
U/s 8/18/20 N.D.P.S. Act
Police Station Tanakpur
District Champawat

With
2nd Bail Application No. 1064 of 2008
Order on the bail application of the accused.

Jai Prakash S/o Sri Niranjan Pasad			Applicant
	<u>Versus</u>		
State of Uttarakhand			Opposite Party

In Case Crime No. 2262 of 2007
U/s 8/18/20 N.D.P.S. Act
Police Station Tanakpur
District Champawat

Hon’ble J. C. S. Rawat, J.

Heard Mrs. Pushpa Joshi, Advocate for the applicants; Mr. Amit Bhatt, Addl. G.A. for the State; and perused the record.

This is the 2nd Bail Application moved by the applicants. The 1st bail applications moved by the applicants have been rejected by this court on 10/09/2008 and 22/10/2008 in Bail Application Nos. 672 of 2008 and 562 of 2008 respectively.

The earlier bail applications moved by the applicants Laxman Singh and Jai Prakash before the trial court were rejected by the learned Sessions Judge on 15th March, 2008. Thereafter, statements of some of the witnesses have been recorded in the trial court. Learned counsel for the applicants tried to stress about the contradictory statements of the witnesses made during the course of the evidence. It would be just and proper to direct the applicants to move a fresh bail applications before the learned trial court and the learned trial court would be at liberty to dispose of the bail applications

moved by the applicants not being prejudiced with the fact that earlier bail applications of the applicants have been rejected by the trial court.

It is directed that if the applicants move bail applications before the trial court, their bail applications will be heard afresh in the light of the evidence recorded by the trial court and will be decided in accordance with the law. The trial court would not be influenced by the fact that these bail applications have been disposed of by this Court.

The bail applications are disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 31.12.2008
Shiv

