

BA1 No. 1100 of 2017

Hon'ble V.K. Bist, J.

Mr. Tarun Lakhera, Advocate for the applicant.

Mr. Sachin Panwar, Brief Holder for the State of Uttarakhand.

This is the first bail application moved by the applicant.

The applicant- Kailash Khanduri is seeking regular bail in connection with Case Crime No. 142 of 2017, relating to offences punishable under Sections 8/20 of the N.D.P.S. Act, registered at P.S. Raipur, District Dehradun.

Learned counsel for the applicant submitted that applicant has falsely been implicated in the instant crime; has no criminal history and is languishing in jail since 31.05.2017. He submitted that, while arresting the applicant, the mandatory provisions of N.D.P.S. Act have not been complied with. It is also submitted that there is no independent witness of the alleged recovery. It is further submitted that though, the applicant is not involved in the alleged offence; but, he undertakes that, in case, applicant bailed out, he will not get himself involved in such type of offences in future.

Learned counsel for the applicant contended that in case, the applicant is granted bail he will not misuse the same and will furnish the bail surety as per the satisfaction of this Court.

Considering the submission of learned counsel for the parties, and without expressing any opinion as to

final merits of the case, this Court is of the view that the applicant deserves bail at this stage.

The bail application is allowed.

Let the applicant be released on bail, on executing personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Magistrate concerned.

(V.K. Bist, J.)

22.09.2017

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