

BAI No. 800 of 2020

Hon'ble Sharad Kumar Sharma, J

Mr. Mani Kumar, Advocate for the applicant.

Mr. Sandeep Tondon, Deputy Advocate General along with Mrs. Mamta Joshi, Brief Holder for the State of Uttarakhand.

The case is taken up on video conferencing.

The applicant is an accused for commission of an offence under Section 8/22/60 of the NDPS Act, 1985, in an FIR No. 164 of 2020, which was registered at P.S. Rudrapur, District Udham Singh Nagar.

As per the set of facts narrated in the FIR, it is reflected that an Ambulance bearing No. U.P. 23-0823, was found to be carrying few passengers, including the applicant, who is shown to have smack, the contraband, in their possession, when they were apprehended by the police party.

For the commission of same offence a co-accused person namely Imran Ali @ Sonu, from whom a recovery of 5.79 gms. of smack was recovered, has also applied for a bail before this Court; being Bail Application No. 727 of 2020. The Coordinate Bench after considering the aspects pertaining to the pleading of there being no criminal history against the applicant, and since applicant being in jail from 28.03.2020, apart from that the quantity recovered from the applicant was less than the notified commercial quantity had granted bail.

The applicant seeks parity on the same.

I am in agreement with the reasoning assigned in the order dated 20.05.2020 by the Coordinate Bench of this Court in granting to Imran Ali. Hence, this bail application is too allowed.

The applicant is directed to be released on bail subject to furnishing of his personal bond and two reliable sureties of the like amount to the satisfaction of the Magistrate concerned.

The bail application thus stands disposed of accordingly.

Sharad Kumar Sharma, J.

29.05.2020