

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1892 of 2021

Salim

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Sachin, Advocate for the applicant.

Mr. S.S. Adhikari, Deputy Advocate General and Mr. Balwinder Singh, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Salim is in judicial custody in FIR/Case Crime No. 224 of 2021, under Sections 8/21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Haldwani, District Nainital. He has sought his release on bail.

2. Heard learned counsel for the parties.

3. According to the case, on 08.05.2021, co-accused were apprehended along with Smack and at the time of arrest they revealed it to the police that it is the applicant who gives Smack to them.

4. It is stated in the bail grounds that nothing was recovered from the applicant; the case is false; he has been implicated merely on the basis of the statement of the co-accused.

5. Learned State counsel would submit that co-accused revealed it to the police that he was the applicant, who supply the Smack to them. It is also submitted that there are three other cases pending against the applicant of similar nature, but he admits that there is no conviction recorded against the applicant in any of such cases as of now.

6. The bail rejection order reveals that merely on the basis of statement of the co-accused the applicant has been implicated and Investigating

Officer found that on the corresponding dates the applicant was telephonically in touch with the co-accused, from whose possession Smack was recovered.

7. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

8. The bail application is allowed.

9. 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.

10. This bail order be forwarded to concerned Court as well as the concerned jail through e-mail also.

(Ravindra Maithani, J.)
30.07.2021

Sanjay