

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**First Bail Application No. 1059 of 2023**

Javed Ali

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Suhail Ahmed Siddiqui, Advocate for the applicant.  
Mr. K.S. Bora, D.A.G. for the State.

**Hon'ble Ravindra Maithani, J. (Oral)**

Applicant Javed Ali is in judicial custody, in FIR No. 56 of 2023, under Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act"), Police Station Raiwala, District Dehradun. He has sought his release on bail.

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

3. According to the FIR, on 30.03.2023, 1.010 Kg *charas* was recovered from the applicant.

4. Learned counsel for the applicant would submit that in the instant case senior officers were not informed. According to the FIR, senior officers were telephoned, but they could not be contacted. It is argued that thereafter, another officer was not contacted. Learned counsel would

submit that after arrest, the charge sheet had already been submitted on 26.06.2023. Thereafter, various dates have been fixed, but nothing had happened and the next date is fixed is in the month of January, 2024.

5. Learned State counsel would submit that the applicant is not in custody for any long period.

6. It is a case of recovery of commercial quantity of *charas*. The recovery has not been made from personal search, instead according to the FIR, it was recovered from a bag, which the applicant was holding. Therefore, there is no question of application of Section 50 of the Act, so as to offer a right under Section 50 of the Act and call the officer as per the desire of the arrestee.

7. Having considered, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

8. The bail application is rejected.

(Ravindra Maithani, J.)  
29.12.2023