

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

30TH JUNE, 2023

FIRST BAIL APPLICATION NO. 1481 of 2023

Between:

Mohd. JunedApplicant

and

State of Uttarakhand. ...Respondent

Counsel for the Applicant : Mrs. Sheetal Selwal,
Advocate.

Counsel for the Respondent : Mr. V.S. Rathour
A.G.A. assisted by Ms.
Sangeeta Bhardwaj,
Brief Holder.

Hon'ble Alok Kumar Verma,J.

Present Application has been filed for grant of regular bail in connection with the First Information No.157 of 2023, registered at police station Vanbhoolpura, District Nainital under Section 8 read with Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "the Act, 1985").

2. According to the First Information Report, on 08.06.2023, 91.50 grams of smack (Heroin) was recovered from the possession of the present applicant.

3. Heard Mrs. Sheetal Selwal, learned counsel for applicant and Mr. V.S. Rathore, learned A.G.A. assisted by Ms. Sangeeta Bhardwaj, learned Brief Holder for State.

4. Mrs. Sheetal Selwal, Advocate, has submitted that nothing was recovered from the possession of the present applicant; applicant has no criminal history;

provisions of the Act, 1985 have not been complied with; applicant is in custody since 08.06.2023 and the alleged contraband is non-commercial.

5. On the other hand, Mr. V.S. Rathour, A.G.A., has opposed the bail application. However, he submitted that instructions have been received from the Police Station, Vanbhoolpura, District Nainital and according to the instructions, applicant has no criminal history.

6. As per Table prepared under Section 2 (xxiii-a) and Section 2 (vii-a) of the said Act, 1985, lesser than 5 grams of smack (Heroin) is small quantity and greater than 250 grams of smack is commercial quantity (Entry No.56).

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The Bail Application is allowed.

9. Let the applicant- Mohd. Juned be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 30.06.2023

Neha