

**HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**Second Bail Application No.214 of 2023**

Vijay Das .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Vikas Anand, Advocate for the applicant.

Mr. Amit Bhatt, Deputy Advocate General for the State.

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

Applicant Vijay Das is in judicial custody in FIR No.271 of 2021, under Sections 8/21/60 of Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act"), Police Station Rudrapur, District Udham Singh Nagar. He has sought his release on bail.

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

3.           This is the second bail application. The first bail application was dismissed as withdrawn on 09.11.2022.

4.           Learned counsel for the applicant would submit that the applicant is in custody for a long now. He was arrested on 12.05.2021. The charge-sheet was filed in the court on 10.08.2021. The charges were

framed on 19.12.2022 and till now, no witness has been examined. Complete order-sheets have been placed.

5. These facts are not disputed by the learned State counsel.

6. It is a case of recovery of commercial quantity of narcotic substance and in such cases Section 37 of the Act makes specific provisions. Bail in such cases may not be granted, unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. But, denial of bail does not give unfettered liberty to the prosecution to keep a person in custody without conducting a trial.

7. The applicant was allegedly arrested on 12.05.2021. It is being stated at Bar that the charges have been framed on 19.12.2022, but till now no witness has been examined. It is about more than eight months since then.

8. A man cannot be kept behind bars without any trial. The Court may perhaps understand the circumstances when the trial is slow. But, here is a case where the trial has not moved slightly ahead. No

witnesses have been examined. This situation commands the Court to release the applicant on bail.

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

10. The bail application is allowed.

11. 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.

(Ravindra Maithani, J)  
29.08.2023

Ravi