

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	31.01.2024		<p>BA1 No. 135 of 2024  <u>Sri Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> <li>1. Mr. Azmeen Sheikh, learned counsel holding brief of Mr. Naveen Singh Bisht, learned counsel for the applicant.</li> <li>2. Mr. V.K. Gemini, learned Deputy Advocate General assisted by Mr. Sachin Sharma, learned Brief Holder for the State- respondent.</li> <li>3. The present applicant is seeking bail in relation to FIR No.05 of 2024, for the offence punishable under Section 8/21 of the Narcotic Drugs and Psychotropic Substance Act, 1985, P.S. Transit Camp, District Udham Singh Nagar.</li> <li>4. Learned counsel for the applicant submits that the alleged contraband of <i>Smack</i>, which is shown to be recovered from the present applicant, is below the commercial quantity, i.e. 26.20 gram. It is also submitted that there is no compliance of Section 50 of the NDPS Act, and furthermore, there is no independent witness, and in fact, the applicant is running a medical store, and he has been falsely implicated. In Paragraph No.11 of the affidavit, filed in support of the instant bail application, it is contended that there is no previous criminal history of the present applicant, and he is languishing in jail since 04.01.2024.</li> <li>5. It is undisputed fact that the investigation is still going on, and as contended in Paragraph No.11 of the affidavit filed in support of the bail application that the present applicant has no criminal history.</li> <li>6. Mr. Gemini, on instructions, fairly submits that the alleged recovery of contraband of <i>Smack</i> is below the commercial quantity.</li> <li>7. After hearing the arguments of learned counsel for</li> </ol>

			<p>the applicant, and without expressing any opinion on the merits of the case, this Court is of the view that it is a fit case for grant of bail.</p> <p>8. The bail application is allowed.</p> <p>9. Let the applicant Vivek Kumar Saxena be released on bail on his executing a person bond and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:</p> <p><i>i) Applicant shall attend the Trial Court regularly and he shall not seek any unnecessary adjournment.</i></p> <p><i>ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.</i></p> <p><i>iii) Applicant shall not leave the country without previous permission of the Trial Court.</i></p> <p><i>iv) In case the applicant is found to be involved in future in any other similar case, or misuses or violates any of the conditions imposed on him while granting bail, the prosecution is free to move an application for cancellation of bail.</i></p> <p>(Rakesh Thapliyal, J.) Vacation Judge 31.01.2024</p> <p>NISHANT</p>
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