

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.448 of 2024

Arjun Chand alias Kalu ChandApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Pawan Sanwal, Advocate, holding brief of
Mr. Nivesh Bahuguna, Advocate for the applicant.
Mr. M.A. Khan, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in FIR No. 43 of 2021, under Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act"), Police Station Ranipokhri, 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, *charas* in commercial quantity was allegedly recovered from the possession of the applicant on 27.02.2021.

4. It is argued that in the instant case charge-sheet was submitted on 25.04.2022; charge was framed on 20.05.2022; first witness was examined on

02.06.2022; second witness was examined on 06.01.2023 and yet the trial has not been concluded.

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

6. It is a case of recovery of commercial quantity of *charas* 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 is in custody for more than a year. For more than six months in between not even a single witness was examined.

8. 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.

9. The bail application is allowed.

10. 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)
30.09.2024

Jitendra