

HIGH COURT OF UTTARAKHAND AT NAINITAL

Third Bail Application No.47 of 2024

Lalit Thapa

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Vikas Singh Yadav, Advocate for the applicant.

Ms. Manisha Rana Singh, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in FIR No.318 of 2022, under Sections 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Banbhulpura, District Nainital. He has sought his release on bail.

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

3. This is the third bail application of the applicant. The first bail application was dismissed as withdrawn on 05.04.2023 and the second bail application was dismissed as withdrawn on 04.12.2023.

4. Learned counsel for the applicant would submit that the charge sheet was submitted on 09.12.2022; charges were framed on 28.02.2022; PW1

was examined on 05.09.2023 and PW3 was examined on 29.01.2024. But thereafter, till date, no witness has been examined.

5. These factual aspects have not been denied by the learned State counsel.

6. It is a case pertaining to recovery of commercial quantity of the 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 is in custody for more than a year. In between, for more than six months, no progress was made in the case. The trial has yet not concluded. It commands the Court to release the applicant on bail.

8. Having considered, 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 third 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)
31.07.2024

Ravi