

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.2445 of 2024

Babu ShahApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Karan Singh Dugtal, Advocate for the applicant.

Ms. Manisha Rana Singh, Deputy Advocate General for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant is in judicial custody in FIR No.46 of 2024, dated 10.02.2024, under Sections 8/21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Khatima, District Udham Singh Nagar. He has sought his release on bail.

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

3. According to the FIR, Smack in commercial quantity was allegedly recovered from the possession of the applicant.

4. Learned counsel for the applicant would submit that the case is false; as per the prosecution, the Inventory Report was prepared at the spot and it bears

the FIR number, which was lodged much after the alleged recovery.

5. Learned State counsel would admit that the Inventory Report was prepared at the spot and it bears the FIR number. But, according to her, as per instructions, the FIR number was written on the Inventory Report post lodging of the FIR by red ink. She would also submit that this fact is nowhere mentioned in the General Diary entry that the FIR number was recorded in the Inventory Report post lodging of the FIR.

6. If Inventory Report was prepared at the spot, how could it bear the FIR number which was lodged much after the alleged recovery? There is no satisfactory reply. What is told is that the FIR number was recorded in the Inventory Report post lodging of the FIR, but no document, as such has been produced which could reveal it. It makes out the case for bail.

7. 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.

8. The bail application is allowed.

9. 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.)
31.12.2024

Sanjay

SANJAY KANOJIA 