



2025:UHC:2250

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ASHISH NAITHANI

27th March, 2025

FIRST BAIL APPLICATION NO. 137 of 2024

Ashraf ...Applicant

Versus

State of Uttarakhand ...Respondent

Counsel for the Applicant : Mr. Vinod Sharma, learned counsel.

Counsel for the State : Mr. Pratiroop Pandey, A.G.A.

Hon'ble Ashish Naithani, J.

The present Bail Application has been moved by the applicant-Ashraf, aged about 31 years (S/o Shri Rustam, R/o Mirzapur, Police Station Mirzapur, District Saharanpur). The applicant is in judicial custody in connection with Case Crime No. 38 of 2023, registered at Police Station Sahaspur, District Dehradun, under Sections 8/21/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr. Vinod Sharma, learned counsel for the applicant and Mr. Pratiroop Pandey, learned A.G.A. for the State and perused the record.

3. Learned counsel for the applicant submits that as per mandatory provisions of Section 50 of the NDPS Act, compliance is not met with and the applicant is in jail since 06.02.2023. He further submits that the co-accused, namely, Smt. Shabda had already been granted bail by a Co-ordinate Bench of this Court vide order dated



2025:UHC:2250

02.12.2024. It is also argued that the case of the present applicant is on the same footing as that of the co-accused, therefore, the principle of parity should be applied and the present applicant is also entitled for bail on the ground of parity.

4. On the other hand, learned A.G.A. for the State opposed the bail application, arguing that as far as the compliance of Section 50 is concerned, the recovery was made before the Gazetted Officer. However, it is not disputed that the co-accused had already been granted bail by this Court on 02.12.2024 in similar circumstances.

5. Considering the facts and circumstances of the case, without expressing any opinion as to the final merits of the case, this Court is of the view that the applicant deserves bail at this stage on the ground of parity.

6. The bail application is allowed.

7. Let the applicant be released on bail, on executing a personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.

8. All pending applications stand disposed of, if any.

ASHISH NAITHANI, J.