

(2023) 08 UK CK 0052

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 322 Of 2022

Ajay

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 08-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 120B, 274, 275, 276, 419, 420, 467, 468, 471
Drugs And Cosmetics Act, 1940 — Section 17, 17B, 18A, 18(a)(i), 18(a)(vi), 18(c), 18B, 27, 28A, 28B
Constitution Of India, 1950 — Article 21

Citation : (2023) 08 UK CK 0052

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : B.S. Adhikari, V.S. Rathore

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail under Sections 420, 467, 468, 471, 419, 274, 275, 276, Section 120B of the Indian Penal Code, 1860, Sections 17, 17B, 18(a)(i), 18(a)(vi), 18(c), 18A, Section 18B read with Section 27, Section 28A and Section 28B of the Drugs and Cosmetics Act, 1940, in connection with the Case Crime No.493 of 2022, registered at police station Bhagwanpur, District Haridwar.

2. Heard Mr. B.S. Adhikari, learned counsel for the applicant and Mr. V.S. Rathore, learned AGA for the State.

3. As per FIR, co-accused Nitin Prajapati and Rashid Khan were arrested with heavy quantity of adulterated/ spurious medicines on 05.06.2022. The name of the present applicant has come to light in the confessional statements of the co-accused. They stated in their confessional statements that the present applicant

was also involved in manufacturing the adulterated/ spurious medicines.

4. The co-accused persons confessed that they had a factory at Saharanpur, Laksar and Bhagwanpur and on pointing out of these two co-accused persons adulterated/ spurious medicines and machines were recovered from the said factories and two other co-accused persons Rohtash and Sanjit were arrested. Co-accused persons stated that the present applicant is a partner in the factory, situated at Peepli, Laksar.

5. In compliance of the order dated 07.08.2023, Investigating Officer is present through video conferencing. He submits that the name of the present applicant has come to light in the confessional statements of the co-accused persons. Investigation is still pending. So far no such evidence has been available that the applicant was a partner of the factory, located in Peepli, Laksar and only confessional statements of the co-accused persons are available against the present applicant till date.

6. In the present matter, Interim Anticipatory Bail was granted on 25.11.2022.

7. Personal liberty under Article 21 of the Constitution of India is very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.

8. Having considered the entirety of the facts and circumstances of this case, confirming the Interim Anticipatory Bail, granted on 25.11.2022, it is directed that in the event of arrest of the applicant Ajay, he will be released on Anticipatory Bail on furnishing his personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount, to the satisfaction of the Investigating Officer/ Arresting Officer with the condition that the applicant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case.

9. It is clarified that if the applicant misuses or violates the said condition, imposed upon him, the concerned authority will be free to move the Court for cancellation of the anticipatory bail.

10. Anticipatory Bail Application (No.322 of 2022) stands disposed of accordingly.