

(2023) 06 UK CK 0014

In the Uttarakhand High Court

Case No : First Bail Application No. 1017 Of 2023

Rahul Sharma

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 07-06-2023

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 21

Citation : (2023) 06 UK CK 0014

Hon'ble Judges : Vivek Bharti Sharma, J

Bench : Single Bench

Advocate : Pradeep Chamyal, V.S. Rathore, Sangeeta Bhardwaj

Final Decision : Allowed

Judgement

Vivek Bharti Sharma, J

1. Applicant Rahul Sharma, who is in judicial custody in Case Crime/F.I.R. No. 75 of 2023, under Sections 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Transit Camp, District Udham Singh Nagar has sought his release on bail.

2. Heard learned counsel for the parties and perused the record available on file.

3. Learned counsel for the applicant would submit that the allegation against the applicant/accused is that the contraband (smack) 10.58 grams has been recovered from the possession of the applicant which is much below than the commercial quantity. He would further submit that the applicant is an innocent person; that, he has no previous criminal history; that, he is languishing in jail since 03.03.2023; that, there is no independent eye witness of the alleged recovery; that, he has falsely been implicated in the instant crime, thus, no purpose would be served by keeping the applicant behind the bars as the trial is likely to take long time.

8. Mr. V.S. Rathore, A.G.A. vehemently opposed the bail application, however, he

admitted at Bar that the quantity of the alleged contraband recovered from the applicant is much below than the commercial quantity.

9. In view of the above, without expressing any opinion on the final merits of the case this Court is of the view that it is a case for bail and the applicant deserves to be enlarged on bail.

10. Accordingly, the bail application is allowed.

11. Let the applicant be released on bail, on furnishing bail bond with two sureties in the amount of Rs. 40,000/- and personal bond in the like amount to the satisfaction of the court concerned.