
(2022) 02 UK CK 0050

In the Uttarakhand High Court

Case No : First Bail Application No. 1618 Of 2021

Ramesh Singh Mehra

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 15-02-2022

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 20, 60

Citation : (2022) 02 UK CK 0050

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Rahul Adhikari, Lalit Miglani, Lata Negi

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. Applicant Ramesh Singh Mehra, is in judicial custody, in FIR No. 5 of 2021, under Sections 8/20/60 of Narcotic Drugs and Psychotropic Substances

Act, 1985, Police Station Chaukhutiya, District Almora. He has sought his release on bail.

2. Heard learned counsel for the parties through video conferencing.

3. According to the FIR on 19.02.2021 at about 11:55 in the night, the police party spotted a motorcycle. The motorcycle driver sensing fear, tried to

run away while leaving bag on the road. He was apprehended. The motorcycle was being followed by a car driven by the applicant. It was also

intercepted. One of the occupants of the car managed to escape. The applicant was apprehended and from the tool box of the car 1.86 kg charas was

recovered.

4. Learned counsel for the applicant would submit that co-accused Tara Singh,

who was in the motorcycle and another occupant of the car Chandan

Singh have already been enlarged on bail. It is argued that, in fact, the occupant of the car has already been granted bail by the court below. It is also

submitted that there is no criminal history of the applicant; there are no public witnesses; co-accused Chandan Singh, who was another occupant of

the car had even criminal history. Therefore, it is a case fit for bail.

5. Learned State counsel would submit that the above commercial quantity of the charas was recovered from the applicant. The recovered quantity is

commercial. The applicant has been arrested on the spot.

6. The Court would like to make it clear, at the very outset that the applicant cannot seek parity either from Tara Singh or from Chandan Singh. From

the co-accused Tara Singh allegedly recovered quantity was not commercial. He was riding on a motorcycle. Insofar as, the co-accused Chandan

Singh is concerned, he was not apprehended on the spot. It is the case that the applicant and another co-accused Tara Singh have named him.

7. It is admitted during the course of the argument by the learned counsel for the applicant that the applicant was owner as well as driver of the car. It

was a taxi. The charas was recovered from the tool box of the car. The car was intercepted almost in the midnight at 11:55 pm recovery was made.

8. Having considered all these factors, this Court is of the view that it is not a fit case for bail and the bail application deserves to be dismissed.

9. The bail application is dismissed.