

**(2023) 06 UK CK 0082**

**In the Uttarakhand High Court**

**Case No : First Bail Application No. 1280 Of 2023**

Samshad

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

**Date of Decision : 22-06-2023**

**Acts Referred:**

Uttarakhand Protection Of Cow Progeny Act, 2007 — Section 3, 5, 11

**Citation : (2023) 06 UK CK 0082**

**Hon'ble Judges : Alok Kumar Verma, J**

**Bench : Single Bench**

**Advocate : Mohd. Safdar, Shivangi Gangwar**

**Final Decision : Allowed**

## Judgement

Alok Kumar Verma, J

1. Despite getting opportunity to file counter affidavit to the Bail Application, the same has not been filed by the respondent.
2. Present applicant is in custody in connection with the Case Crime No.931 of 2021, registered at police station Manglaur, District Haridwar under Section 3/5/11 of the Uttarakhand Protection of Cow Progeny Act, 2007.
3. Heard Mr. Mohd. Safdar, learned counsel for the applicant and Mrs. Shivangi Gangwar, learned Brief Holder for the State.
4. As per FIR, 450 Kg. beef along with cutting tools were recovered from the spot on 15.10.2021. Applicant was arrested on 18.05.2023.
5. Mr. Mohd. Safdar, Advocate, contended that the applicant was not present on the spot; nothing was recovered from his possession; he has no criminal history; he is a permanent resident of District Haridwar and he is in custody since 18.05.2023.
6. On the other hand, learned counsel for the State has opposed the bail

application orally. However, she, on instruction, conceded that the applicant has no criminal history.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The Bail Application is allowed.

9. Let the applicant – Samshad be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.