
(2023) 12 UK CK 0028
In the Uttarakhand High Court
Case No : Third Bail Application No. 7 Of 2023

Sonu Saini

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 04-12-2023

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 21, 37

Citation : (2023) 12 UK CK 0028

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : M.S. Pal, Sheetal Selwal, K.S. Bora

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Applicant- Sonu Saini is in judicial custody in FIR No.48 of 2021, under Sections 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act"), Police Station- Shyampur, District- Haridwar. He has sought his release on bail.
2. Heard learned counsel for the parties and perused the record.
3. This is third bail application. The first bail application, being BA1 No.919 of 2021, was dismissed on 17.02.2022. The second bail application, being BA2 No.302 of 2022, was disposed of on 23.12.2022.
4. According to the FIR, on 08.03.2021, 272 grams smack was allegedly recovered from the possession of the applicant.
5. Learned Senior counsel appearing for the applicant would submit that the applicant is in jail for a long; after receipt of the chargesheet, for years together, nothing happened; the charges were framed after more than 22 months; no witnesses have yet been examined. He would submit that the chargesheet was filed on 04.09.2021, and the charges were framed on 25.07.2023. Thereafter, no

witnesses have been examined.

6. Learned State Counsel admits these factual aspects.

7. It is the case of alleged recovery of commercial quantity of smack, which, according to the prosecution, was recovered on 08.03.2021. In such cases, bail is governed by the provisions of Section 37 of the Act, according to which, bail, in such matters, may not be granted unless the Court has reasonable ground to presume that the accused has not committed any offence or there are no chances of repeat offence. But then, this provision does not give liberty to the prosecution to keep a person behind bars for a long. In the instant case, the applicant is in custody for more than a year. In fact, charges could not be framed for more than 22 months. Trial has yet not been concluded.

8. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

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