

**(2025) 02 UK CK 1073**

**In the Uttarakhand High Court**

**Case No : 1st Bail Application No. 2268 Of 2024**

Vivek Pokhriyal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

**Date of Decision : 25-02-2025**

**Acts Referred:**

Indian Penal Code, 1860 — Section 120B, 408, 420, 467, 468, 471, 506

**Citation : (2025) 02 UK CK 1073**

**Hon'ble Judges : Ashish Naithani, J**

**Bench : Single Bench**

**Advocate : Prabha Naithani, Pradeep Lohani**

**Final Decision : Allowed**

## Judgement

Ashish Naithani, J

1. The applicant, Vivek Pokhriyal (male), aged about 40, S/o Shri Sher Singh Pokhriyal, R/o Lane No.3, New Basant Vihar Enclave, Dehradun, has filed the present bail application through his learned counsel Mrs. Prabha Naithani. The learned Brief Holder, Shri Pradeep Lohani, opposes the application of the applicant. The accused named above is in judicial custody since 12.09.2024.

2. The applicant has filed the present bail application in connection with FIR No. 468 of 2024, registered under Sections 408, 420, 467, 468, 471, 506 and 120B of IPC, registered with Police Station Patelnagar, District Dehradun.

3. Heard learned counsels for the parties.

4. The main contention of the learned counsel for the applicant is that the co-accused Hemanti Nandan, who is the main culprit in the present matter has been bailed out, whereas, the present applicant having no role, as such, is still imprisoned in the present matter. It is also contended by the learned counsel for the applicant that the name of the applicant - Vivek Pokhriyal, have nowhere mentioned in the FIR, whereas, the other co-accused who has been bailed out

the Manager in the Firm, namely, Vandana Distributors, namely, Hemanti Nandan, has said that the present applicant Vivek Pokhriyal, has created the forged bill, through which he has siphoned off all the money for the drugs/ medicines involved in the present matter.

5. Further it is also stated by the learned counsel for the applicant that he has no medical shop where it can be shown that he has supplied the material so involved in the present matter, and thus, the learned counsel for the applicant has requested that the applicant may be enlarged on bail on the parity grounds.

6. On behalf of the State, the bail application has been strongly opposed with the contentions that the present applicant/accused Vivek Pokhriyal, is the main culprit, and as per Annexure nos.3 and 4, it is quite evident that he has received all the transactions that can be termed as 'illegal' and that too for a drugs/ medicines, a specific person is supposed to have the transactions or business with.

7. It is also stated by the learned State Counsel that there is no case of parity whatsoever because as per Annexure nos.3 and 4, it is seen otherwise, the present applicant holds a firm in his name called as "Aashi Communication". As per Annexure No.3, it is evident that the proprietor of the firm, as named above, is none other than the present applicant Vivek Pokhriyal, and he has no role with the other co-accused Hemanti Nandan, despite that he has siphoned off so much of money, which can be said that it is in connivance with the other co-accused, namely, Hemanti Nandan, and therefore, the bail application of the applicant is opposed by the learned State Counsel.

8. Having heard the parties and on perusal of the record, at this juncture without going into the merits of the case, I find it is a case for bail, firstly, the article in question regarding which the illegal transaction is shown to be managed by firm known as "Vandana Distributors", is managed by the other co-accused Hemanti Nandan, who has been granted bail by the Sessions Judge, Dehradun.

## ORDER

9. Accordingly, the bail application is allowed. Let the applicant, Vivek Pokhriyal (male), aged about 40, S/o Shri Sher Singh Pokhriyal, R/o Lane No.3, New Basant Vihar Enclave, Dehradun, be released on bail in connection with FIR No. 468 of 2024, registered under Sections 408, 420, 467, 468, 471, 506 and 120B of IPC, registered with Police Station Patelnagar, District Dehradun, subject to the following conditions:

1. On his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the concerned court,
2. The applicant shall not leave the territorial jurisdiction of the trial court without prior permission.
3. The applicant shall not tamper with evidence or influence any witnesses in any

manner.

4. The applicant shall cooperate in the trial proceedings and shall appear before the trial court on each and every date fixed in the matter unless exempted for valid reasons and

5. The prosecution shall be at liberty to move an application for cancellation of bail if it is found that the applicant has violated any of the above conditions.