

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>BA1 No. 1305 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. B.M. Pingal, learned counsel for the applicant.</p> <p>2. Mr. J.S. Virk, learned D.A.G. for the State.</p> <p>3. This first bail application has been moved by the applicant – Abhishek Negi, seeking regular bail in Case Crime/F.I.R. No. 26 of 2025, under Sections 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Lalkuan, District Nainital.</p> <p>4. Heard learned counsel for the parties and perused the material available on record.</p> <p>5. In this case, gang chart has also been enclosed alongwith the FIR, according to which, as many as five cases of NDPS, are shown against the applicant.</p> <p>6. Learned counsel for the applicant would submit that out of these five cases, in FIR Nos. 162 of 2023 and 140 of 2024, applicant is on bail and in respect of FIR Nos. 36 of 2021, 134 of 2021 and 88 of 2019, applicant was convicted to undergo imprisonment for a period of three months, which applicant has already undergone and applicant has also challenged the awarded sentences by filing the appeals, which are pending consideration. Learned counsel for the applicant further submits that applicant is shown to be the leader, but, in fact, he himself is a drug addict and the quantity, which is shown to be recovered from the applicant in respect of the</p>

above FIRs, is either small quantity or less than commercial quantity. It is further submitted that applicant is HIV positive and suffering from hepatitis B and C and that the other co-accused have already been granted bail and that applicant is languishing in jail since 26.03.2025.

7. Learned State Counsel, on the other hand, has vehemently opposed the bail application.

8. Considering the submission of learned counsel for the parties and also considering the fact that the other co-accused have already been released on bail and also considering the fact that the quantity shown to be recovered in relation to the aforesaid FIRs in the gang chart is either small or below commercial, therefore, Section 37 of NDPS Act would not be attracted, without expressing any opinion as to the final merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The bail application is allowed.

10. Let the applicant be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned, subject to the following conditions: -

(a) The applicant shall not leave the country without prior permission of the court.

(b) The applicant shall appear before the investigating officer as and when required and cooperate with the investigation.

(c) The applicant shall not tamper with evidence or witnesses, either directly or indirectly and shall not indulge in any criminal activity while on bail.

(d) The applicant shall surrender his passport, if any, to the court or to the investigating agency, to preclude risk of absconding.

11. The bail granted to the applicant shall be liable to be cancelled in the event of any violation of the aforesaid conditions or if the applicant is found to have misused the liberty granted to him.

(Alok Mahra J.)

05.05.2026

Ujjwal