



2025:UHC:9189

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	15.10.2025		<u>BA1/458/2025</u> <u>Hon'ble Alok Mahra, J.</u> Mr. Harshit Sanwal along with Mr. Mehboob Rahi, learned counsel for the applicant. 2. Mr. Deepak Bisht, learned Deputy A.G. along with Mr. Dinesh Chauhan, learned Brief Holder for the State. 3. Applicant – Masroor Khan, who is in judicial custody in connection with Case Crime/F.I.R. No. 0012 of 2025, under Sections 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short N.D.P.S. Act) registered at Police Station Kichha, District Udham Singh Nagar, has sought his release on bail. 4. Heard learned counsel for the parties and perused the record. 5. As per the prosecution case, on 09.01.2025, an F.I.R. was registered against the present applicant under Section 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), alleging that on the same date, during routine checking, the applicant was apprehended by the police team and 262.42 grams of smack was recovered from his possession. 6. Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in this case. He argues that, according to the prosecution, the incident took place at about 13:45 hours on 09.01.2025, after which the police allegedly prepared the inventory report, arrest memo, and other related documents at the spot. The F.I.R., however, was registered later at 17:26 hours the same day. Despite this, all the



		documents prepared at the spot already mention the F.I.R. number, which raises serious doubts about the genuineness of the prosecution's case. 7. Learned counsel would further submit that the inventory report has not been prepared in the manner prescribed under the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 (in short "the Rules, 2022"). It is urged that the inventory report is not prepared in the prescribed form and does not bear proper certification as mandated under Section 52-A of the NDPS Act. Hence, the legal procedures were not properly or fully followed. 8. Learned counsel would also submit that the applicant has no previous criminal history and is in judicial custody since 09.01.2025. It is stated that though the applicant had moved a bail application before the learned court below, the same was rejected on 30.01.2025. It is further contended that there is no apprehension of tampering with the evidence or misuse of liberty if the applicant is enlarged on bail. 9. <i>Per contra</i>, learned State counsel would vehemently opposes the bail application, however, fairly admits that the inventory report, arrest memo, and other documents prepared at the spot bear the F.I.R. number, and that the inventory report has not been filed in the proper format. The State counsel also admits that the applicant is in judicial custody since 09.01.2025 and that his bail application was rejected by the court below on 30.01.2025. 10. Having considered the submissions made by both parties and without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail. 11. Accordingly, the 1st bail application is
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(a) The applicant shall execute a personal bond and furnish two reliable sureties in the like amount to the satisfaction of the trial court.

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

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

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

12. 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.

15.10.2025

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