



2025:UHC:9725

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

4TH NOVEMBER, 2025

FIRST BAIL APPLICATION NO. 1525 of 2025

Trilok Chandra Arya Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. D.K. Sharma, Senior
Advocate assisted by Mr.
Abhishek Joshi, Advocate.

Counsel for the Respondent : Mr. Akshay Latwal, Assistant
Government Advocate.

Hon'ble Alok Kumar Verma,J.

The applicant – Trilok Chandra Arya is in judicial custody for the offence punishable under Section 8 read with Section 20 and Section 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Case Crime No.127 of 2025, registered at Police Station Pantnagar, District Udham Singh Nagar.

2. In the night of 20.07.2025, the police saw two individuals standing near a motorcycle. Seeing the police, they started leaving on the motorcycle. They were apprehended at about 23:00 o'clock. Harish Singh Matiyali (co-accused) was sitting on the motorcycle. Trilok Chandra Arya (applicant) was with him. The co-accused had a bag hanging on his shoulder. The police



2025:UHC:9725

recovered 1528 grams of charas from the said bag. The co-accused told the police that he brought the recovered charas from the village and he had told the applicant that if he went with him, he would give him Rs.15,000-20,000/-. Applicant told the police that he came with the co-accused out of greed for money. They were arrested.

3. Heard Mr. D.K. Sharma, learned Senior Advocate for the applicant and Mr. Akshay Latwal, learned Assistant Government Advocate for the State.

4. Mr. D.K. Sharma, Senior Advocate, has contended that the alleged charas was not recovered from the possession of the applicant. He did not know that there was charas in the bag of the co-accused and only on the basis of the statements of the co-accused, he has been falsely implicated. There is no independent witness to substantiate the police story. Applicant has no criminal antecedents. He is a permanent resident of District Nainital, therefore, there is no chance of his absconding, and, the applicant is in custody since 21.07.2025.

5. Mr. Akshay Latwal, Assistant Government Advocate has opposed the bail application.

6. In “**Mohan Lal vs. State of Rajasthan**”,



AIR 2015 SC 2098, the Hon'ble Supreme Court has held that the term "possession" consists of two elements. First, it refers to the corpus or the physical control and the second, it refers to the animus or intent which has reference to exercise of the said control.

7. Mr. D.K. Sharma, learned Senior Advocate has relied on the paragraph no.21 of the judgment of the Hon'ble Supreme Court in **"Rakesh Kumar Raghuvanshi vs. State of Madhya Pradesh", 2025 SCC OnLine SC 122.**

"21. Conscious possession refers to a scenario where an individual not only physically possesses a narcotic drug or psychotropic substance but is also aware of its presence and nature. In other words, it requires both physical control and mental awareness. This concept has evolved primarily through judicial interpretation since the term "conscious possession" is not explicitly defined in the NDPS Act. This Court through various of its decisions has repeatedly underscored that possession under the NDPS Act should not only be physical but also conscious. Conscious possession implies that the person knew that he had the illicit drug or psychotropic substance in his control and had the intent or knowledge of its illegal nature."

8. Mr. Narendra Kumar, the Investigating Officer, is present through video conferencing. He has informed that no other evidence is available against the applicant except his own statement and the statement of the co-accused.



9. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused.

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

11. The Bail Application is allowed.

12. Let the applicant – Trilok Chandra Arya 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.

ALOK KUMAR VERMA, J.

Dt: 04.11.2025
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