



2025:UHC:11128

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

12TH DECEMBER, 2025

FIRST BAIL APPLICATION NO.2350 of 2025

Saurabh Kumar Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mrs. Shivangi Gangwar,
Advocate.

Counsel for the Respondent : Mr. Chitrarth Kandpal,
Brief Holder.

Hon'ble Alok Kumar Verma,J.

The applicant- Saurabh Kumar is in judicial custody for the offence punishable under Section 8 read with Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "Act, 1985") in the First Information Report No.151 of 2025, registered at Police Station Pulbhatta, District Udham Singh Nagar.

2. According to the First Information Report dated 01.10.2025, Satendra Gangwar, the co-acused, was driving a motorcycle, bearing Registration No.UP25DC2431. The applicant was riding pillion on the said motorcycle. Seeing the police, they tried to run away. The police apprehended them on suspicion. The



police recovered 612 gm Opium from the said motorcycle. They were arrested.

3. Heard Mrs. Shivangi Gangwar, learned counsel for the applicant and Mr. Chitrarth Kandpal, learned Brief Holder for the respondent.

4. Mrs. Shivangi Gangwar, Advocate, submitted that the applicant is an innocent person. The alleged opium was not recovered from his possession. The alleged recovery is false. There was no independent witness at the time of the alleged recovery. This fact also supports the submission of the applicant. He has no criminal antecedents. He is a permanent resident of District Bareilly, Uttar Pradesh, therefore, there is no possibility of his absconding, and, the alleged recovered contraband is less than commercial quantity.

5. Mr. Chitrarth Kandpal, learned Brief Holder, has opposed the bail application orally. However, he conceded on instruction that the applicant has no criminal antecedents.

6. As per Table prepared under Section 2 (xxiii-a) and Section 2 (vii-a) of the Act, 1985, lesser than 25 grams of Opium is small quantity and greater than 2.5 Kg. of Opium is commercial quantity (Entry No.92).



7. The object of keeping the accused in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused.
8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, 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.
9. The Bail Application is allowed.
10. Let the applicant – Saurabh Kumar 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: 12.12.2025
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