



2025:UHC:11067

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

11TH DECEMBER, 2025

FIRST BAIL APPLICATION NO.2360 of 2025

Yogesh Mittal alias Yogesh Kumar Gupta Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Pankaj Kumar Sharma
Advocate with Mr. Ankur
Sharma, Advocate.

Counsel for the Respondent : Mr. Sandeep Sharma,
Assistant Government
Advocate.

Hon'ble Alok Kumar Verma,J.

The applicant- Yogesh Mittal alias Yogesh Kumar Gupta is in judicial custody for the offence punishable under Section 8 read with Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "Act, 1985") in Case Crime No.83 of 2025, registered at Police Station Muni-Ki-Reti, District Tehri Garhwal.

2. According to the First Information Report dated 12.10.2025, the applicant was apprehended by the police on suspicion. He was searched. The police recovered 201 gm smack from his bag. He was



arrested.

3. Heard Mr. Pankaj Kumar Sharma, learned counsel for the applicant and Mr. Sandeep Sharma, learned Assistant Government Advocate for the respondent.

4. Mr. Pankaj Kumar Sharma, Advocate, contended that the allegations of the police are totally false. Applicant has been falsely implicated by the police. He is an innocent person. The alleged smack was not recovered from his possession. There was no independent witness at the time of the alleged recovery from the applicant. This fact also supports the submission of the applicant. Applicant has no criminal antecedents. He is a permanent resident of District Haridwar, therefore, there is no possibility of his absconding, and, the alleged recovered contraband does not fall under the category of commercial quantity.

5. Mr. Sandeep Sharma, learned Assistant Government Advocate, has opposed the bail application orally. However, he has conceded on instruction that the applicant has no criminal antecedents.

6. As per Table prepared in terms of Section 2 (xxiii-a) and Section 2 (vii-a) of the Act, 1985, 5 gm of



heroin is small quantity and greater than 250 gm is commercial quantity (Entry No.56).

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 – Yogesh Mittal alias Yogesh Kumar Gupta 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: 11.12.2025
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