



2025:UHC:11646

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

30TH DECEMBER, 2025

THIRD BAIL APPLICATION NO.80 of 2025

Mohd. Sameer Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Gaurav Singh,
Advocate through
video conferencing.

Counsel for the Respondent : Mr. Tumul Nainwal,
Assistant Government
Advocate.

Hon'ble Alok Kumar Verma,J.

The applicant-Mohd. Sameer 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.447 of 2025, registered at Kotwali Roorkee, District Haridwar.

2. The First Bail Application (No.2446 of 2025) and the Second Bail Application (No.330 of 2025) were dismissed as withdrawn granting liberty to the applicant to file afresh.

3. According to the First Information Report dated 03.12.2025, on 02.12.2025, the applicant was



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coming on a scooty (Registration No.UK17AA-2219).

Seeing the police, he tried to run away but he slipped on the sand and fell. He was searched before the Circle Officer of police. The police recovered 50.27 gm of Smack from a polythene bag kept in the left pocket of his pants.

4. Heard Mr. Gaurav Singh, learned counsel for the applicant and Mr. Tumul Nainwal, learned Assistant Government Advocate for the respondent.

5. Mr. Gaurav Singh, Advocate, contended that the applicant is an innocent person. He was not involved in the alleged offence. The alleged smack was not recovered from his possession. The alleged recovery was planted. There was no independent witness at the time of the alleged recovery. This fact also supports the submission of the applicant. The consent of the applicant was not taken on the option of searching before the Magistrate or a Gazetted Officer. Therefore, the mandatory provisions of Section 50 of the Act, 1985 have not been complied with. 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.



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6. Mr. Tumul Nainwal, learned Assistant Government Advocate, has opposed the bail application orally.

7. As per the 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).

8. 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.

9. 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.

10. The Bail Application is allowed.

11. Let the applicant – Mohd. Sameer 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:30.12.2025
Neha

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Digitally signed by Neha Bisht
DN: cn=Neha Bisht, o=Courts of Uttarakhand, ou=Uttarakhand, email=neha.bisht@judiciary.nic.in, c=IN