

21. BA] SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:4090
			BA1st No.19 of 2026 "Rajendra Singh Mehta Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. D.S. Mehta, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned AGA for the State. 3. Present bail application has been moved on behalf of the applicant, Rajendra Singh Mehta, who is in judicial custody in connection with FIR No. 0204 of 2025, registered at Police Station Rudrapur, District Udham Singh Nagar, under Sections 8/20/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 4. The facts, in brief, are that on 01.05.2025, the applicant was allegedly intercepted by the police near Jafarpur Cut, Kashipur Highway, within the limits of Police Station Rudrapur. As per the State's case, on search of the scooter allegedly being used by the applicant, 4.050 kg of charas was recovered from the trunk of the scooter. The applicant was arrested and remanded to custody on 02.05.2025. The bail application moved by the applicant before the learned Special Judge came to be rejected vide order dated 12.11.2025. The charge-sheet was thereafter filed on 02.12.2025. 5. Heard learned counsel for the parties and perused the record. 6. Learned counsel for the applicant submits that the applicant is entitled to be released on default bail, as the statutory period of 180 days prescribed under Section 36-A(4) of the NDPS Act had expired before filing of the charge-sheet. It is submitted that on 12.11.2025, when

			the bail application was considered by the learned court below, the charge-sheet had not been filed and a specific submission to that effect was raised before the learned court below. 7. Learned counsel further submits that no valid order extending the period of investigation in terms of Section 36-A(4) of the NDPS Act has been shown. It is submitted that mere extension of remand cannot be treated as extension of time for completion of investigation, unless the statutory requirement of a report of the Public Prosecutor indicating progress of investigation and specific reasons for continued detention is complied with. 8. Per contra, learned State counsel has opposed the bail application and submits that the recovery is of commercial quantity and that the charge-sheet has now been filed. It is further submitted that in view of the rigour of Section 37 of the NDPS Act, the applicant is not entitled to be enlarged on bail. 9. This Court finds that the applicant has remained in custody since 02.05.2025. The statutory period of 180 days stood completed before the charge-sheet was filed. The order dated 12.11.2025 passed by the learned court below records the submission advanced on behalf of the applicant that the charge-sheet had not been submitted within the prescribed period, whereas the charge-sheet came to be filed only thereafter on 02.12.2025. 10. The right to default bail stands on a footing distinct from regular bail on merits. In <i>M. Ravindran v Intelligence Officer, Directorate of Revenue Intelligence</i>, (2021) 2 SCC 485, the Hon'ble Supreme Court, while dealing with Section 167(2) CrPC read with Section 36-A(4) of the NDPS Act, held that once an accused files
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		an application for bail after expiry of 180 days, he is deemed to have availed of his right to be released on default bail, and the Court must release him on bail without unnecessary delay. 11. In the present case, no valid order extending the period of investigation in terms of Section 36-A(4) of the NDPS Act has been placed before this Court. The learned court below, despite noticing the submission that the charge-sheet had not been filed within the prescribed period, proceeded to reject the bail application on merits. Once the statutory period had expired and the charge-sheet had not been filed, the learned court below ought to have considered the applicant's claim for default bail in its correct legal perspective. 12. The objection regarding commercial quantity and Section 37 of the NDPS Act would be relevant while considering bail on merits. However, in a case where default bail is claimed on account of non-filing of the charge-sheet within the prescribed statutory period, the Court is concerned with the statutory default and not with the merits of recovery. 13. In view of the aforesaid, this Court is of the opinion that the applicant is entitled to be released on default bail. 14. Accordingly, the bail application is allowed. Let the Applicant – Rajendra Singh Mehta, be released on bail on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. (Ashish Naithani, J.) Dated:15.05.2026 NR/
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