



2026:UHC:398

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

09TH JANUARY, 2026

FIRST BAIL APPLICATION NO.34 of 2026

Irfan alias Bhura Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Gaurav Singh, Advocate

Counsel for the Respondent : Mrs. Rangoli Purohit, Brief Holder.

Hon'ble Alok Kumar Verma,J.

The applicant-Irfan alias Bhura 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.805 of 2025, registered at Kotwali Manglaur, District Haridwar.

2. According to the First Information Report dated 18.12.2025, the applicant was coming by a motorcycle. Seeing the police, he tried to run away but fell. He was searched by police. The police recovered 5.89 gm. smack from a polythene packet found in his left pant pocket. He was arrested at 21.35 hrs.



3. Heard Mr. Gaurav Singh, learned counsel for the applicant and Mrs. Rangoli Purohit, learned Brief Holder for the respondent.

4. Mr. Gaurav Singh, Advocate, contended that the applicant has been implicated by the police. He was not involved in the alleged offence. The alleged smack was not recovered from the possession of the applicant. The said recovery was planted. There was no independent witness at the time of the alleged recovery. The mandatory provision of Section 50 of the Act, 1985 was not complied with. Applicant is not a convicted person. He is a permanent resident of District Haridwar, therefore, there is no possibility of his absconding, and, the alleged smack does not fall under the category of commercial quantity.

5. Mrs. Rangoli Purohit, Brief Holder has opposed the bail application orally.

6. As per the Table prepared under Section 2 (xxiii-a) and Section 2 (vii-a) of the said Act, 1985, lesser than 5 gm of smack (Heroin) is small quantity and greater than 250 gm of smack is commercial quantity (Entry No.56).

7. The object of keeping the accused in detention during the investigation is not punishment.



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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 – Irfan alias Bhura 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.

Date:09.01.2026
JKJ/Pant