



2026:UHC:441

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

10TH JANUARY, 2026

SECOND BAIL APPLICATION NO. 09 of 2026

Raees Applicant

Versus

State of Uttarakhand Respondent

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

Counsel for the Respondent : Mr. Pradeep Lohani, Brief
Holder

Hon'ble Alok Kumar Verma, J.

The applicant – Raees 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.723 of 2025, registered at Kotwali Jwalapur, District Haridwar.

2. The First Bail Application (No.16 of 2026) was dismissed as withdrawn on 07.01.2026 granting liberty to the applicant to file afresh.

3. According to the First Information Report, on suspicion, the applicant was apprehended by the police at 23:33 hrs. on 16.12.2025. He was searched. The police recovered 31.10 gm. smack from the left pocket



of his pants which was kept in a polythene packet. He was arrested on 00:25 hrs.

4. Heard Mr. Gaurav Singh, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

5. Mr. Gaurav Singh, Advocate, submitted that the applicant has been implicated by the police. The alleged smack was not recovered from his possession. There was no independent witness at the time of the alleged recovery from the possession of the applicant. The mandatory provision of Section 50 of the Act, 1985 was not followed. Applicant has not been convicted by any court. He is a permanent resident of District Haridwar, therefore, there is no possibility of his absconding, and, the quantity of the alleged recovered smack is less than commercial quantity.

6. Mr. Pradeep Lohani, Brief Holder, has opposed the bail application orally.

7. 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).

8. The object of keeping the accused in



2026:UHC:441

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 – Raees 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: 10.01.2026
JKJ/ Pant