



2026:UHC:2536

IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

2nd BAIL APPLICATION NO.10 of 2026

(Under Section 483 of B.N.S.S.)

Nandan Singh Bisht

... Applicant

VS.

State of Uttarakhand

.... Respondent

Presence:

Ms. Layba Noor, learned counsel assisted by Mr. Amit Kapri, learned counsel for the Applicant

Mr. S.S. Chauhan, learned D.A.G. for the State of Uttarakhand.

Hon'ble Ashish Naithani, J (Oral)

The present second bail application has been moved on behalf of the Applicant seeking release on bail in connection with Case Crime No. 12 of 2024, under Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act, Police Station Jauljibi, District Pithoragarh. The Applicant is stated to be in judicial custody.

2. As per the record, the first bail application of the Applicant was rejected by the learned Special Sessions Judge (NDPS), Pithoragarh vide order dated 13.06.2024, wherein after considering the recovery and gravity of the offence, the bail was declined. Further, it is also reflected that a subsequent bail application before this Court was dismissed as withdrawn on 14.10.2025. Thus, the present application is a successive bail application.

3. Briefly stated, the State's case is that on 01.08.2024 at about 21:54 hours, the police party apprehended the Applicant and recovered 02 kg 20 grams of charas (hashish) from his possession along with other articles. The



said recovery is substantially above the commercial quantity prescribed under the NDPS Act.

4. Learned counsel for the Applicant has submitted that the Applicant is innocent and has been falsely implicated. It is contended that mandatory provisions of the NDPS Act have not been complied with; no independent public witnesses were associated; provisions of Section 50, Section 57 of the Act and Section 100 Cr.P.C. were violated; and the alleged recovery is doubtful.

5. It is further submitted that the officer shown as Gazetted Officer was not competent, and therefore, the entire search and seizure is vitiated.

6. Per contra, learned State counsel has opposed the bail application and submitted that the recovery is of commercial quantity, and there is sufficient material against the Applicant including recovery memo and statements of witnesses.

7. It is further submitted that all procedural safeguards have been complied with, and minor irregularities, if any, do not vitiate the proceedings at this stage. It is also argued that the Applicant belongs to a border area adjoining Nepal and there is every likelihood of his absconding if released on bail.

8. From the perusal of record, it is evident that the recovery effected from the Applicant is of 02 kg 20 grams of charas, which is much above the commercial quantity. The rigours of Section 37 of the NDPS Act are, therefore, clearly attracted. In such cases, bail can be granted only when the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and is not likely to commit any offence while on bail.



9. At this stage, the material collected during investigation, including the recovery memo and statements, prima facie indicate the involvement of the Applicant in the offence. The contention regarding non-compliance of procedural safeguards, including Sections 50 and 57 of the NDPS Act and Section 100 Cr.P.C., are matters of evidence which require appreciation during trial and cannot be conclusively adjudicated at the stage of bail.

10. The submission regarding absence of independent witnesses also does not, at this stage, demolish the prosecution case, particularly when it is explained that efforts were made to associate public witnesses but none came forward, and the case is otherwise supported by official witnesses.

11. It is also pertinent to note that the earlier bail application of the Applicant has already been rejected by the learned court below on merits after considering the gravity of offence and material on record, and no substantial change in circumstances has been pointed out in the present second bail application.

12. The offence alleged is of serious nature involving commercial quantity of contraband, which has deleterious effect on society at large. The possibility of the Applicant absconding or misusing the liberty of bail also cannot be ruled out, particularly considering the nature of allegations and surrounding circumstances.

13. In view of the aforesaid facts, and considering the bar contained under Section 37 of the NDPS Act, this Court is not satisfied that the Applicant has been able to make out a case for grant of bail.

14. Accordingly, the bail application is **rejected**.

(Ashish Naithani J.)

Dated:18.03.2026

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