

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010009082026  2026:UHC:6274
			<u>UKHC010009082026</u> <u>BA1/52/2026</u> Sumanglam Kumar --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Avidit Noliyal, learned counsel for the applicant. 2. Mr. Sandeep Sharma, learned AGA, for the State of Uttarakhand. 3. The present applicant – Sumanglam Kumar S/o Santosh Mistri, is praying for bail in a reference to FIR dated 21.11.2025 bearing FIR No.671 of 2025, Police Station Kotwali Jwalapur, District Haridwar, wherein, the present applicant along with two other co-accused persons, namely, Jagdish and Bhura, have been implicated for the offences punishable under Sections 8/20 read with Section 29 of the NDPS Act. 4. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and there is no recovery from the present applicant and the recovery is shown from the other co-accused, namely, Jagdish, who have been enlarged on bail by the coordinate Bench on 13.03.2026 in BA 1st No.50 of 2026. He further submits that the prosecution made the present applicant as an accused for the offence punishable under Section 29 of the NDPS Act. He further submits that there is criminal antecedent of two cases of similar nature in which he has already been enlarged on bail. He submits that though there is no recovery of the contraband of 21.700 Kg of Ganja from the applicant, since the same was recovered from the other co-accused, who has been enlarged on bail, but still the rider of Section 37 of NDPS Act, will come into the way. 5. In reference to Section 37 of the NDPS Act, he submits that in the present case, at the time of search and seizure, though the inventory was prepared but it was not certified by the Magistrate in the manner as

		provided under Rule 8 of Narcotics Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal), Rules, 2022, since in the inventory only endorsement of seal was put by the Magistrate which itself shows that the Magistrate has not certified the inventory by applying its judicial mind. Apart from this, he submits that so far as the criminal antecedent is concerned, the applicant is already enlarged on bail in those cases and in this particular case, the investigation is completed and the chargesheet has been filed and the present applicant is languishing in jail since 27.11.2025, therefore, taking into consideration that the applicant is languishing in jail since 27.11.2025, the stringent conditions as stipulated under Section 37 of the NDPS Act, may be relaxed. 6. On the other side, Mr. Sandeep Sharma, learned AGA, have not disputed about the quantity of the contraband, which is admittedly a commercial one, however, he also admits that other co-accused from whose possession the contraband was recovered was enlarged on bail by the coordinate Bench on 13.03.2026 in BA 1st No.50 of 2026. He also submits that in the previous two cases, the applicant is enlarged on bail, however, he submits that so far as the inventory part is concerned whether the certification by the Magistrate was in conformity with the Rule 8 of Narcotics Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal), Rules, 2022 or not, is completely the subject matter of the trial, but all these aspects can be looked into while considering the bail application. 7. After hearing the submissions of the learned counsel for the parties, and taking into consideration that the other co-accused from whose possession the contraband was recovered, is enlarged on bail by the coordinate Bench, and there is no recovery from the possession of the present applicant and furthermore the inventory was certified by the Magistrate only by putting an endorsement of seal and the present applicant is languishing in jail since 27.11.2025 and in the previous two cases, he has already been enlarged on bail, this Court is of the view that the applicant deserves for bail. 8. Accordingly without expressing any opinion on the merits of the case, bail application is allowed.
--	--	---

		9. Let the applicant - “Sumanglam Kumar”, be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:- (a) The applicant shall not leave the country without prior permission of the court. (b) The applicant shall appear before the investigating officer as and when required and cooperate with the investigation. (c) The applicant shall not tamper with evidence or witnesses, either directly or indirectly and shall not indulge in any criminal activity while on bail. (d) The applicant shall surrender his passport, if any, to the court or to the investigating agency, to preclude risk of absconding. (e). The bail granted to the applicant shall be liable to be cancelled in the event of any violation of the aforesaid conditions or if the applicant is found to have misused the liberty granted to him.” (Rakesh Thapliyal, J.) 23.07.2026 Nitesh/
--	--	--

--	--	--	--