

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2542
			<u>BA1 No. 69 of 2026</u> Rohtash Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Sanjeev Singh, learned counsels for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Rohtash, aged about 35 years, S/o Subhash, R/o Village Jaurasi, P.S. Kotwali, Roorkee, District Haridwar. The Applicant is in judicial custody in connection with FIR/Case Crime No. 363 of 2025, registered at Police Station Kotwali Roorkee, District Haridwar, for the offences punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the NDPS Act). 4. Heard Mr. Sanjeev Singh, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. The record has been perused. 5. The primary ground submitted for consideration of bail is that throughout the documentation relating to search and seizure and the arrest of the Applicant, the contraband alleged to have been recovered from the possession of the Applicant is reported as “1.009 grams” instead of kilograms. The learned Sessions Judge has treated the same as a typographical error; however, there is no explanation on record clarifying whether the quantity is in grams or kilograms. The other ground urged in favour of bail is that the mandatory provisions of the NDPS Act have not been complied with. The Applicant was not made aware of his right to be searched in the

		presence of a Gazetted Officer or a Magistrate. It is further submitted that the Applicant has no criminal history, is in custody since 07.10.2025, and, therefore, deserves to be enlarged on bail. 6. Learned State Counsel opposed the bail application, contending that the discrepancy is merely a clerical error and that, in fact, the contraband recovered from the Applicant is above commercial quantity, i.e., 1 kilogram and 9 grams. It is submitted that merely due to such a clerical error, the Applicant cannot be granted the benefit, and the same cannot be made a ground for bail. 7. The punishment prescribed under the NDPS Act is dependent upon the quantity of contraband involved, and thus, it is “weight-specific.” The Act provides stringent punishments, including heavy fines. Therefore, the exact quantity of the contraband assumes crucial importance in cases under the NDPS Act. 8. The present matter relates to contraband <i>charas</i>, which is defined under Section 2(iii)(a) of the NDPS Act as cannabis (hemp), i.e., the flowering or fruiting tops of the cannabis plant (excluding seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated. Punishment is prescribed under Section 20 of the NDPS Act for possession and other related offences. 9. The punishment varies depending upon the quantity involved, i.e., small quantity, intermediate quantity (less than commercial but greater than small), and commercial quantity. For commercial quantity, the punishment is rigorous imprisonment for a term not less than ten years, which may extend to twenty years, along with fine. Since the punishment is quantity-dependent, the NDPS Act provides a notified schedule specifying small quantity and commercial quantity for various substances. As per the said notification, for <i>charas</i>, the small quantity is 100 grams and the
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		commercial quantity is 1 kilogram. 10. In the present case, the entire documentation reflects the recovered contraband as “1.009 grams,” which is even below the small quantity prescribed under the schedule. In the absence of any clear explanation as to whether the quantity is in grams or kilograms, a serious doubt arises regarding the actual quantity recovered. 11. After hearing the rival contentions advanced by learned counsel for the parties and without expressing any opinion on the merits of the case, this Court finds that a case for bail is made out. Accordingly, the Bail Application is allowed. 12. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. 13. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 08.04.2026 Shiksha
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