

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS  2026:UHC:1612
			<u>BA1 No. 106 of 2026</u> Sur Bahadur Budadhoki Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. P.S. Dhami, learned counsel for the Applicant. 2. Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant – Sur Bahadur Budadhoki, aged about 45 years, S/o Shri Chand Bahadur Budadhoki, R/o Village Sarmi, Post Office Dolpa, Tehsil and District Dolpa (Nepal). The Applicant is in judicial custody in connection with Case Crime No. 25 of 2025, registered at Police Station Dharchula, District Pithoragarh, under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 40, 49, 50 and 51 of the Wildlife (Protection) Act, 1972. 4. Heard Mr. P.S. Dhami, learned counsel for the Applicant, and Mr. Vikash Uniyal, learned Brief Holder for the State. Perused the record. 5. Brief facts of the case are that the FIR was lodged with the allegation of recovery of 2 kg 300 grams of hashish (charas) and a Bear gall bladder weighing 175 grams from the possession of the Applicant. 6. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and is an innocent person. It is further submitted that the prosecution has not complied with the mandatory provisions of Sections 50 and 52 of the NDPS Act, and thus no case is made out against the Applicant. It is also submitted that the allegations mentioned in the FIR are false, concocted and manipulated. Learned counsel further submits that the Applicant is in

		jail since 28.08.2025 and has no criminal history. 7. On the other hand, learned Brief Holder for the State opposed the Bail Application, contending that 2 kg 300 grams of charas along with “gall bladder of a Himalayan Bear” was recovered from the possession of the Applicant. It is further submitted that the gall bladder of the Himalayan Bear pertains to illegal wildlife trade, the Himalayan Bear being a protected species listed in Schedule I of the Wildlife (Protection) Act, 1972. It is also submitted that the Applicant is a resident of Nepal and, in case he is enlarged on bail, there is likelihood that he may flee the country. Learned Brief Holder further submits that a Nepali citizens are not required to possess a passport for entering India, therefore securing the presence of the Applicant during trial would be difficult. It is also contended that the passport of the Applicant cannot be secured as a condition to ensure his presence, in case bail is granted. 8. Considering the nature and gravity of the allegations, the manner in which the offence has been committed, the role attributed to the Applicant, the recovery made from his possession, and the fact that the trial is in progress and the prosecution witnesses have supported the case, this Court is not inclined to grant bail to the Applicant at this stage. 9. Accordingly, the Bail Application is rejected. 10. However, it is clarified that the observations made herein are only for the purpose of deciding the present Bail Application and shall not affect the merits of the case during trial. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 11.03.2026 Shiksha
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