

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1 No. 111 of 2026</u> Manoj Sahu Applicant Vs. Respondent State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u> Mr. Sandeep Adhikari, learned Legal Aid for the Applicant through Video Conferencing. 2. Mr. Pradeep Lohani, learned AGA, for the State of Uttarakhand. 3. The present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Manoj Sahu, who has been accused in FIR No.0078 of 2025, offence punishable under Section 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Thana Banbasa, District-Champawat. 4. The case of the prosecution is that on 26.08.2025 at about 11:55 PM, 32 injections of Buprenorphin, 32 injections of Promethazine, one injection of Diazepam were recovered from the applicant. 5. That the applicant is in judicial custody since 27.08.2025 in connection with FIR No. 78 of 2025 registered at Police Station Banbasa District Champawat for offences under Sections 8/22 of NDPS Act. That the earlier bail application of the present applicant was rejected by the learned Special Judge NDPS Act, Champawat on 16.10.2025.

		6. The learned counsel for the applicant submits that no independent public witnesses were associated at any stage of the search, seizure, recovery sealing or arrest despite the availability of people being present in the area of incident. 7. Learned counsel further submits that the entire case is based on Police witnesses and that the mandatory compliance of Section 50 of NDPS Act was not complied with. 8. Learned counsel submitted that Sections 42 and 43 of NDPS Act were violated. No written information, no prior authorization and no proper recording of secret information has been placed on record. 9. That the learned counsel for the applicant submits that the recovery so done is doubtful mandatory safeguards are violated and also that the present applicant has no criminal antecedents and also there is no independent witness, therefore, the learned counsel prays that the present applicant enlarged on bail. 10. Per contra the learned State counsel submits that the alleged recovery of the contraband from the possession of the present applicant comes under NDPS Act. 11. Learned State counsel further submits that all mandatory procedural safeguards were duly complied with, hence, the present applicant should not be enlarged on bail. 12. The bail application of the Applicant has been
--	--	--

		vehemently opposed by the learned State Counsel on the ground that the Applicant has previous criminal history. 13. This court observes that the State's case is primarily based on an alleged recovery effected by the police, however, no independent public witness was associated at the time of search, seizure, sealing, or arrest, despite the availability of public persons in the vicinity, which prima facie casts doubt on the manner of recovery. The entire case rests upon police witnesses alone, and at this stage, their version requires deeper scrutiny during trial. 14. It further appears that the mandatory safeguards under Sections 42 and 50 of the NDPS Act have not been strictly complied with. There is no clear material to indicate proper recording of prior secret information, its reduction into writing, or forwarding to the superior officer as required under law. Likewise, the requirement of informing the accused of his valuable right under Section 50 of the NDPS Act to be searched before a Magistrate or Gazetted Officer also appears to be doubtful, thereby raising serious procedural infirmities in the State's case. 15. This Court also takes note of the fact that the applicant has no criminal antecedents and is not shown to be a habitual offender. 16. In view of the aforesaid facts and circumstances, and without expressing any opinion on the merits of the case, this Court is of the prima facie view that the twin
--	--	--

		conditions under Section 37 of the NDPS Act stand satisfied, as reasonable grounds exist to believe that the applicant may not be guilty of the alleged offence at this stage and that he is not likely to commit any offence while on bail. 17. Accordingly, bail application is allowed. It is directed that the Applicant – Manoj Sahu, who has been accused in FIR No.0078 of 2025, offence punishable under Section 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Thana Banbasa, District-Champawat, be released on bail on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. (Ashish Naithani, J.) 12.05.2026 Anand
--	--	--

--	--	--	--