

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:2371
			<u>BA 1st No.139 of 2026</u> "Himanshu Purohit Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Abhilash Nainwal, learned counsel for the Applicant. 2. Mr. Chitrarth Kandpal, learned Brief Holder, for the State of Uttarakhand. 3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Himanshu Purohit, who has been accused in FIR No.38 of 2025, under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chamoli, District Chamoli. 4. Learned counsel for the Applicant contends the ground for consideration of the bail. Firstly, that though the Applicant has been falsely implicated in the present matter; the contraband alleged to have been recovered from his possession weighing 1115 Kg considered to be marginally above the commercial quantity as per NDPS Act is doubtful and <i>prima facie</i> cannot be said to have been recovered from the possession of the Applicant. There is major legal flaw, which as per NDPS Act is mandatory, the cause of arrest should be communicated in writing to the person from whose possession or which is linked the alleged contraband in the present matter, the arrest memo or the cause of arrest has not been communicated to the Applicant. Second submission is that there is a serious discrepancy in the weighing of the contraband, the weight of the contraband is said to be 1115 Kg of <i>charas</i>. It is stated that the contraband was

		weighed thrice and each time measurement regarding the weight deferred. Next submissions is that the inventory report was not prepared on the spot; next submissions is that it is a mandatory provisions that besides the cause of arrest to be communicated to the person alleged in the crime relating to the offences under the NDPS Act, is communicated to his father and other relatives under Section 41B of the CrPC. Besides informing the accused person of the cause of arrest, his family also to be informed regarding his arrest. Lastly, it is submitted that during the course of documenting the said crime on the spot, there is a mention of FIR number, which cannot be before the FIR has been lodged. 5. The bail application has been opposed on behalf of the learned State Counsel with the contention that the commercial quantity of <i>Charas</i> has been recovered from the possession of the Applicant and there is a clear mention in the E-Videography Portal, whereby the whole procedure has been videographed and documented, therefore, it is clear that the arrest was made on the spot and all the procedures were documented on the spot itself. Though, it is admitted that inventory had not been prepared and in the arrest memo, the cause of arrest to the Applicant/accused person is not mentioned, and all the mandatory provisions as promulgated in the NDPS Act has been complied with, and it cannot be said that there is any error in the procedure relating to the present crime, and thus, it is contended that bail application of the Applicant may be rejected. 6. After considering the submissions advanced by the learned counsel for the parties, I found weight in the submissions as advanced by the learned counsel for the Applicant that in the present crime, there is a serious procedural error. Firstly, that the mandatory provisions of assigning reasons
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		of cause of arrest in written has not been furnished to the Applicant/accused. Secondly, since the contraband so recovered from the Applicant under the commercial quantity of 1115 Kg of <i>charas</i> also comes under the scanner as it underwent weight thrice and there may be error which cannot be ruled out that there may be possibility of error; it cannot be ruled out, at this juncture, it is admitted that no cause of arrest was communicated in writing to the Applicant and also the inventory report was not prepared and it is also not clear that father of the Applicant or other relatives had been communicated the arrest of the Applicant, and lastly mentioning of the FIR number predating is alleged in the concerned Police Station. There is a gross anomaly and procedural error that shows the FIR number has been mentioned in the arrest memo, whereas it cannot be so prior to lodging of the FIR. 7. Considering the overall facts and circumstances of the case, the Applicant has made out a case for bail. 8. Accordingly, bail application is allowed. It is directed that the Applicant - Himanshu Purohit, who has been accused in FIR No.38 of 2025, under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chamoli, District Chamoli, 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.) 02.04.2026 NR/
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