

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:2460
			<u>BA 1st No.174 of 2026</u> "Gufran Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Mohd. Safdar, learned counsel for the Applicant. 2. Mr. N.S. Kanyal, learned AGA, 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 – Gufran, who has been accused in Case Crime No.08 of 2026, under Sections 8 read with Section 21 and Section 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bahadradabad, District Haridwar. 4. The main consideration for bail as advanced by the learned counsel representing the Applicant is that firstly the Applicant has been falsely implicated in the present matter, and the contraband so alleged to have been recovered from his possession is 26.10 grams of smack (heroin), which is below the commercial quantity. Second submission which is advanced for the consideration of the bail is that in the arrest memo and the inventory report, which was prepared on the spot and while preparing the same, prior to the lodging of the FIR, FIR number had been mentioned that cannot be so; after the search and seizure of all the documents that is done on the spot, FIR is lodged after that, thus, there is a gross procedural error and the mandatory and directory provisions laid down under Sections 50, 52, 55 and 57 of the NDPS Act, has not been complied with, and it is requested that the Applicant may be enlarged on bail. 5. Learned State Counsel has, however, opposed the present

		bail application of the Applicant first on the ground that the Applicant has a criminal history and all the procedure that are directive or mandatory in nature as provided in the NDPS Act have been followed. In the present matter, the directive of Section 50 laid down under the NDPS Act, does not apply in the present matter as the present matter does not relates to the personal search as the contraband so shown to have been recovered from the Applicant/accused, was recovered from the boot/dicky of the scooty, which he was riding and not from his person. 6. Considering the overall facts and circumstances of the case, it is a fit case for bail as there are gross procedural errors evidently at the face of it as prior to the lodging of the FIR, the FIR number has been mentioned. 7. Accordingly, bail application is allowed. It is directed that the Applicant - Gufran, who has been accused in Case Crime No.08 of 2026, under Sections 8 read with Section 21 and Section 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bahadrabad, District Haridwar, 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.) 06.04.2026 Nitesh/
--	--	---

--	--	--	--