

| SL. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | <div style="text-align: right;"> <small>COURT'S OR JUDGES'S</small><br/> <br/> <small>2026:UHC:2540</small> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|        |      |                                                                                                  | <p><b><u>BA1 No. 204 of 2026</u></b></p> <p>Upendra Rana .....Applicant</p> <p style="text-align: center;">Vs.</p> <p>State of Uttarakhand .....Respondent</p> <p><b><u>Hon'ble Ashish Naithani, J.</u></b></p> <p>Mr. Vinod Sharma and Mr. Kamlesh Budhlakoti, learned counsels for the Applicant.</p> <p>2. Mr. Vipul Painuly, learned A.G.A. for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant—Upendra Rana, aged about 30 years, S/o Shri Bharat Rana, R/o Gram Salang Village, Nald Kathud, District Uttarkashi. The Applicant is in judicial custody in connection with Case Crime No. 01 of 2026, registered at Police Station Maneri, District Uttarkashi, for the offences punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “NDPS Act”).</p> <p>4. Heard Mr. Vinod Sharma, learned counsel for the Applicant, and Mr. Vipul Painuly, learned A.G.A. for the State. The record has been perused.</p> <p>5. Learned counsel for the Applicant, while pressing for grant of bail, submits that prior to the lodging of the FIR, the documentation prepared during the course of search and seizure already contained a mention of the FIR number, which casts serious doubt on the prosecution story. It is further submitted that the Applicant has no criminal history. It is also contended that there are no independent witnesses to the alleged recovery of contraband, namely charas, from the possession of the Applicant. Additionally, it is argued that the mandatory provisions of the NDPS Act have not been complied</p> |

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|  |  | <p>with. Learned counsel for the Applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in State of Himachal Pradesh vs. Surat Singh, Criminal Appeal No. 96 of 2018.</p> <p>6. Per contra, learned State Counsel has opposed the bail application and, at the outset, submits that the present case involves a chance recovery; therefore, the objections raised by learned counsel for the Applicant are not tenable. It is further submitted that the alleged procedural lapses, as pointed out by the learned counsel for the Applicant, are not applicable in the present case. Learned State Counsel has also placed reliance upon Bharat Aamble vs. The State of Chhattisgarh, Criminal Appeal No. 250 of 2025, in support of his submissions.</p> <p>7. After hearing the rival submissions of learned counsel for the parties, this Court finds, at this stage of consideration of bail, that there appears to be a material anomaly in the procedure relating to search and seizure, which prima facie casts doubt on the prosecution case.</p> <p>8. It is the prosecution case that the Applicant was apprehended along with the contraband and that all documentation was prepared on the spot. As per the settled procedure, once the contraband is seized, it is required to be sealed at the spot and thereafter handed over to the Station House Officer of the concerned police station. The grounds of arrest are to be communicated to the accused, and his relatives or family members are also to be informed so that he may avail appropriate legal assistance. The proceedings are required to be recorded in the General Diary, and upon completion of such formalities, including documentation of search and seizure, the FIR is to be lodged at the concerned police station. Thereafter, the accused is to be produced before the competent Court, and the contraband is to be sent to the Forensic Science Laboratory for</p> |
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|  |  | <p>examination.</p> <p>9. In the present case, it is evident from the record that the documents allegedly prepared at the spot already contain the FIR number, even prior to the lodging of the FIR. This inconsistency constitutes a serious procedural irregularity and renders the prosecution case doubtful at this stage. Accordingly, without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has made out a case for grant of bail.</p> <p>10. Accordingly, the Bail Application is allowed.</p> <p>11. 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.</p> <p>12. All pending applications, if any, stand disposed of.</p> <p style="text-align: right;"><b>(Ashish Naithani, J.)</b><br/>08.04.2026</p> <p>Shiksha</p> |
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