

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:1531
			<u>BA1 No. 213 of 2026</u> Kapil Kumar --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Ashish Naithani, J.</u> Ms. Shumayla Zafri and Ms. Lubhna Jahan, learned counsels for the Applicant. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant – Kapil Kumar, aged about 24 years, S/o Dharampal Singh, R/o Gram Manoharwala, Thana Najibabad, District Bijnor, Uttar Pradesh. The Applicant is in judicial custody in connection with FIR No. 0022 of 2025, registered at Police Station Thalishain, District Pauri Garhwal, under Sections 8/20/60 of the NDPS Act. 4. Heard Ms. Shumayla Zafri and Ms. Lubhna Jahan, learned counsels for the Applicant, and Mr. Chitrartha Kandpal, learned Brief Holder for the State. Perused the record. 5. As per the order passed by this Court dated 27.02.2026, upon the submission of learned counsel for the Applicant regarding certain anomalies in the recovery memo, clarification was sought from the State. However, the said clarification has not been placed before this Court in compliance with the aforesaid order. 6. Learned counsel for the Applicant has pointed out that the recovery memo does not clearly explain as to how the name of the vehicle, from which the alleged contraband <i>Ganja</i>, weighing 60 kg in five bags, was recovered, came to be mentioned in the recovery memo. 7. The Applicant is alleged to have been in possession of contraband <i>Ganja</i>, which is defined under Section 2(iii)(b) of the NDPS Act, which

		reads as follows: <i>“ganja, that is, the flowering of fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and</i> 8. Considering the submissions advanced by learned counsel for the parties, the material available on record, and the fact that the clarification sought by this Court with regard to the anomalies in the recovery memo has not been brought on record by the State, this Court finds that the matter requires consideration. At this stage, 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. 9. Accordingly, the Bail Application is allowed. 10. Let the Applicant be released on bail upon his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:- <i>“(a) The Applicant shall not tamper with the evidence or influence any witness;</i> <i>(b) The Applicant shall appear before the trial court on each and every date fixed unless exempted by the court concerned.</i> <i>(c) In case of breach of any of the above conditions, the prosecution shall be at liberty to move for cancellation of bail.”</i> 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 10.03.2026 Shiksha
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