



2026:UHC:1943

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

1st Bail Application No. 258 of 2026

Gurmeet Singh @ Meeta

.....Applicant

Vs.

State of Uttarakhand

.....Respondent

Presence: Mr. Mani Kumar, learned counsel for the Applicant.

Mr. J. P. Kandpal, learned Brief Holder for the State of Uttarakhand.

Hon'ble Ashish Naithani, J (Oral)

The present first bail application has been filed on behalf of the Applicant, Gurmeet Singh @ Meeta aged about 42 years old, son of Shri Inder Singh, resident of Village Dalrajpur, Police Station Shinghai, District Lakimpur Kheeri, Uttar Pradesh. The Applicant is currently in judicial custody since 16.12.2025 in connection with FIR No.112 of 2025, registered at Police Station Banbasa, District Champawat, for offences punishable under Sections 8/21/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. Heard the learned counsels for the parties, Mr. Mani Kumar, learned counsel for the Applicant, and Mr. J. P. Kandpal, learned Brief Holder for the State of Uttarakhand. Perused the records.

3. Learned counsel for the Applicant contends that the Applicant has been falsely implicated and the alleged recovery is fabricated rather planted in order to fulfill the parameters of FIR.

4. It is argued that the mandatory provisions of the NDPS Act, including Sections 42 and section 50, regarding search and seizure, were not followed. Learned counsel for the Applicant further argues that a joint communication was made to the present Applicant

and co-accused about their legal rights which is impermissible as per Section 50 of NDPS Act.

5. Learned counsel further argues that the Applicant is willing to cooperate with the investigation and is languishing in jail since 16.12.2025.

6. Learned counsel also submits that there is violation of Section 52A of NDPS Act, as the inventory report was not prepared in the spot.

7. Per contra, learned counsel for the State vehemently opposed the bail application, contending that the Applicant was found in possession of a commercial quantity of contraband, i.e., 271 grams of smack, which attracts stringent punishment under the NDPS Act. That as per the FIR, a total of 799 grams of illegal smack/heroine, 1 motorcycle black pulsar 160cc without number plate, 3 mobile phones and Rs. 2800 was recovered from the present Applicant and the co-accused persons out of which 271 grams of illegal smack/heroine was recovered inside a white transparent polythene bag from the left pocket of black jacket which the present Applicant-Gurmeet Singh alias Meeta was wearing, along with one grey colored Redmi mobile phone and Rs. 2000 cash.

8. It is further submitted that the preparation of inventory report was done on the spot by the concerned police team and the same has been duly certified by the Magistrate.

9. It is further submitted by the State counsel that the grounds of arrest and reasons were duly communicated to the present Applicant and the family members of the present Applicant were also informed regarding his arrest.

10. At this juncture, considering the rival submissions, it emerges that the recovery alleged from the present Applicantis of 271 grams of smack, which is above the prescribed commercial quantity threshold. Thus, the rigours of Section 37 of the NDPS Act would be attracted. However, the principal contention raised on behalf of the Applicant pertains to non-compliance of the mandatory provisions of Section 50 of the NDPS Act, particularly on account of joint communication of legal rights to the Applicant and the co-accused.

11. The law in this regard is no longer res integra. The Hon'ble Supreme Court in State of Rajasthan vs. Parmanand & Anr., (2014) 5 SCC 345, has categorically held that the safeguard under Section 50 of the NDPS Act is a substantive and valuable right, which is required to be strictly complied with. The accused must be made aware of his right individually and in a meaningful manner, so as to enable him to make an informed choice.

12. The Hon'ble Apex Court has specifically disapproved the practice of joint communication and has held that:

“In our opinion, a joint communication of the right available under Section 50(1) of the NDPS Act to the accused would frustrate the very purport of Section 50. Communication of the said right to the person who is about to be searched is not an empty formality. It has a purpose....The communication of this right has to be clear, unambiguous and individual....A joint communication of the right may not be clear or unequivocal. It may create confusion. It may result in diluting the right. We are, therefore, of the view that the accused must be individually informed that under Section 50(1) of the NDPS Act, he has a right to be searched before a nearest gazetted officer or before a nearest Magistrate.”

13. Thus, the Hon'ble Supreme Court has clearly laid down that joint communication frustrates the very object of Section 50 and renders the compliance doubtful, particularly where the recovery is effected from personal search.

14. In the present case, as per the version emerging from the record and the submissions advanced, the communication of rights under Section 50 appears to have been made jointly to the Applicant and the co-accused. Prima facie, such joint communication is in the teeth of the law laid down by the Hon'ble Apex Court in *Parmanand* (supra), thereby rendering the compliance of Section 50 doubtful.

15. In such circumstances, at this juncture, this Court is satisfied that there exist reasonable grounds for believing that the Applicant is not guilty of the alleged offence, for the limited purpose of consideration of bail under Section 37 of the NDPS Act. Further, there is nothing on record to indicate that the Applicant is likely to commit any offence while on bail.

ORDER

16. Accordingly, the present Bail Application stands **allowed**.

17. Let the Applicant, Gurmeet Singh @ Meeta, be released on bail on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned.

(Ashish Naithani, J.)

18.03.2025

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