

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3612
			<u>BA1 No. 285 of 2026</u> Altmas Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Susheel Kumar, learned counsel holding brief of Mr. Gaurav Singh, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Altmas, S/o Irfan, R/o Shekhpuri, P.S. Kotwali Gangnagar, Roorkee, District Haridwar. The Applicant is in judicial custody in connection with FIR No. 0036 of 2026, registered at Police Station Gangnagar, District Haridwar, for offences punishable under Sections 8 read with Section 21 of the N.D.P.S. Act, 1985. 4. Heard learned counsel for the Applicant and learned A.G.A. for the State. Perused the record. 5. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. It is contended that the alleged recovery is wholly fabricated and that no independent public witness was associated at the time of the alleged search and seizure. It is further submitted that the mandatory provisions of Section 50 of the N.D.P.S. Act have not been complied with. Learned counsel for the Applicant further submits that the alleged recovery of 10.65 grams of <i>smack</i> from the possession of the Applicant falls within non-commercial quantity and, therefore, the rigours of Section 37 of the N.D.P.S. Act are not attracted in the present case. It is also argued that there is delay in

lodging the FIR and no satisfactory explanation has been furnished by the prosecution, which creates serious doubt regarding the prosecution story.

6. Per contra, learned A.G.A. opposed the bail application and submitted that the Applicant is involved in a serious offence under the provisions of the N.D.P.S. Act.

7. After hearing learned counsel for the parties and upon perusal of the material available on record, this Court finds that the alleged recovery from the Applicant is of non-commercial quantity. The rigours of Section 37 of the N.D.P.S. Act, therefore, do not appear to be attracted at this stage. This Court also takes note of the submissions advanced on behalf of the Applicant regarding non-compliance of mandatory provisions and absence of independent witnesses during the alleged recovery proceedings.

8. Considering the facts and circumstances of the case, the nature of accusation, the quantity allegedly recovered, and without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has made out a fit case for grant of bail.

9. Accordingly, the Bail Application is allowed.

10. Let the Applicant—Altmas be released on bail, upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

11. It is made clear that any observation made hereinabove is only for the purpose of adjudication of the present bail application and shall not be construed as an expression on the merits of the case.

12. All pending applications, if any, shall stand disposed of.

(Ashish Naithani, J.)

12.05.2026

Shiksha

