

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2916
			<u>BA1 No. 290 of 2026</u> Pawan Koli Alias Dagiya Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Dinesh Kumar Tyagi, learned counsel for the Applicant through video conferencing. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Pawan Koli alias Dagiya, S/o Late Ramnarayan, R/o Rampura Ward No. 24, Near Mukesh DJ Wala, Police Station Rudrapur, District Udham Singh Nagar. The Applicant is in judicial custody in connection with FIR No. 250 of 2025, registered at Police Station/Kotwali Rudrapur, District Udham Singh Nagar, for the offences punishable under Sections 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “NDPS Act”). 4. Heard Mr. Dinesh Kumar Tyagi, learned counsel for the Applicant through video conferencing, and Mr. Dinesh Chauhan, learned A.G.A. for the State. Perused the record. 5. Learned counsel for the Applicant submits that the recovery memo is vague and does not clearly specify the exact quantity, concentration, or total content of the alleged contraband recovered from the Applicant. It is submitted that under the NDPS Act, the nature of punishment is dependent upon the quantity of the contraband, and in the absence of clear specification of the same, no <i>prima facie</i> case is made out against the Applicant. It is further submitted that the mandatory provisions of Section 50 of the NDPS

			Act have not been complied with. 6. It is further argued by learned counsel for the Applicant that the Applicant has been falsely implicated in the present case and has been languishing in jail since 25.05.2025. It is also submitted that no independent or public witness has been cited, despite the alleged place of occurrence being a busy road, which creates serious doubt over the prosecution story. It is further submitted that the Applicant has no previous criminal conviction. 7. Per contra, learned State counsel has opposed the Bail Application and submitted that the recovery was a chance recovery; therefore, compliance with Section 50 of the NDPS Act was not required in the facts of the present case. It is further submitted that the recovery memo clearly mentions the seizure of contraband from the possession of the Applicant and that the details of the seized articles are sufficiently recorded. It is thus contended that the Applicant is not entitled to bail. 8. After hearing the submissions of learned counsel for the parties and upon perusal of the record, this Court finds that the recovery memo does not clearly specify the concentration or total content of the alleged contraband substances. The Applicant is alleged to have been found in possession of 13 ampoules each of Diazepam, Buprenorphine, and Avil (Pheniramine Maleate). While the ampoules of Diazepam are stated to be of 2 ml each, no such disclosure has been made with regard to the volume, strength, or concentration of the Buprenorphine and Avil ampoules. In the absence of such essential particulars, it becomes difficult, at this stage, to determine the exact nature and quantity of the contraband for the purposes of the NDPS Act. 9. Without expressing any opinion on the merits of the case, and considering the facts and circumstances, this Court is of the
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			view that the Applicant has made out a case for grant of bail at this stage. 10. Accordingly, the Bail Application is allowed. 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. 12. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 21.04.2026 Shiksha
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