

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:2665
			<u>BA 1st No.303 of 2026</u> "Raja Shanu Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Siddharth Bankoti, learned legal aid counsel for the Applicant. 2. Mr. Vikash Uniyal, learned Brief Holder, for the State of Uttarakhand. 3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Raja Shanu, who has been accused in FIR No.226 of 2025, dated 29.10.2025, under Sections 8/22/29 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Lalkuan, District Nainital. 4. The main ground for consideration of the bail as advanced by the learned counsel representing the Applicant is firstly that the Applicant is languishing in jail since 30.10.2025. On the date of the incident i.e. on 29.10.2025, whereby during regular checking at the place of incident i.e. "Gaytrishaktipeeth, Halduchaur" at about 7:00 PM, while the Police approached him, he tried to flee but was apprehended by the Police and was implicated in the present crime which the Applicant claims himself to be innocent. It is stated that from the bag, which he was carrying 33 injections of Buprenorphine and 37 injectionn of Avil Pheniramine Maleate were recovered. The drug Avil Pheniramine Maleate does not come under the schedule drugs mentioned under NDPS Act and while the other drug Buprenorphine is prohibited psychotropic substances that comes within the purview of the

		commercial quantity as it contained 20 grams. It is contended that the mandatory provisions of the NDPS Act, has not been complied with. That no inventory report has been made in the present matter. That the place of incident was a public place yet there was no public witnesses in the present matter. It is stated that the recovery is totally planted and the Applicant has been falsely framed in the present crime. Stressing on the ground that the FIR number is mentioned in the arrest memo that precedes the lodging of the FIR and it is procedurally not feasible and the Applicant has no criminal history, and thus, it is requested that the Applicant may be enlarged on bail. 5. The bail application has been opposed on behalf of the learned State Counsel with the contention that the grounds so advanced by the learned counsel for the Applicant are baseless. There is a criminal history which reflects that the Applicant is habitual offender, and he is involved in another matter. 6. The present contraband that relates to present matter comes within the purview of the commercial quantity and if the Applicant is enlarged on bail, he may again indulge in such illegal activities, and therefore, it is requested that he may not be granted bail. 7. After hearing the learned counsel for the parties, and on perusal of the record, at this juncture, this Court finds the present case fit for bail. Firstly, that before lodging of FIR, number of FIR has been mentioned in the arrest memo. This is a major procedural flaw and casts a shadow of doubt in the prosecution story. Then, the inventory report as prescribed under Section 52A of the NDPS Act, has not been drafted, and
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		this is a major flaw. The inventory report itself forms the basis of investigation with Narcotics Team or the Police Personnel, who are responsible for the search and seizure and the arrest of the person in possession of or relating to the contraband so involved, thus, the bail is granted. 8. Accordingly, bail application is allowed. It is directed that the Applicant - Raja Shanu, who has been accused in FIR No.226 of 2025, dated 29.10.2025, under Sections 8/22/29 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Lalkuan, District Nainital, be released on bail on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. (Ashish Naithani, J.) 15.04.2026 Nitesh/
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