

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:2596
			BA1 No.357 of 2026 Bhole Vs. State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u> Mr. Gaurav Panwar, learned counsel holding brief of Ms. Prabha Naithani, learned counsel for the Applicant. 2. Mr. N.S. Kanyal, learned AGA for the State. 3. Present bail application has been filed by the applicant, who is in judicial custody in connection with Case Crime/F.I.R. No.15 of 2026 under Section 305(a), 317(2), 331(4) and 3(5) of B.N.S. 2023, P.S. SIDCUL, District Haridwar. 4. Heard learned counsel for the parties. 5. Learned counsel for the applicant submits that applicant is not named in the FIR and there is no independent witness to support the prosecution story. It is stated that there is gross error regarding the procedure of search and seizure as contemplated and provided under Section 105 of Bhartiya Nagrik Suraksha Sanhita, 2023 whereby it is specifically provided that there should be recording of search and seizure through audio, videography and electronic means whereas in the present matter it has not been done. The charge sheet has been filed and the co-accused has been granted bail from learned trial court. It is requested that applicant be enlarged on bail on whatsoever grounds the Court deems fit. 6. Learned State counsel opposed the bail application on the ground that matter involves theft of household articles such as Television, Washing Machine, Lap Top, Inverter, Camera, Jewellery and cash. The stolen articles have been recovered from the possession of the applicant; whatever articles were said to be stolen from the house of the applicant and that were recovered from the

			possession of the applicant were documented in the name of one Neelam. All the bills of the stolen Jewellery, Lap Top and Washing Machine etc. had invoice under the name of the one Neelam. 7. On calculating the total value of the stolen articles as mentioned in the FIR it amounts to Rs.8-10 lakhs. Since the informant, who lodged the FIR became aware of the theft in the house relating to the stolen articles as mentioned in the FIR the other day the first information report was lodged against the unknown person. 8. Learned State counsel refutes to the submission as advanced by the learned counsel for the applicant that the mandatory provision of Section 105 of B.N.S.S were not followed. It is stated that these contentions are not well founded. All the mandatory and directive provisions had been followed. It is stated that applicant alongwith the co-accused committed a house trespassing of the complainant and stolen the valuable goods as mentioned in the FIR, which were recovered and it is requested that the bail of the applicant be rejected. 9. After hearing learned counsel for the parties and after perusal of the record, this Court does not find any sufficient ground, firstly that the items, as described in the FIR, are prima facie found to be recovered from the possession of the applicant and that can be linked with the ownership of the applicant as it contained invoice number and name as described supporting the same. 10. The applicant at this juncture was unable to verify the contention that the mandatory provision of law regarding the recovery were not followed whereas the learned State counsel pointed out that there are no procedural lapse in the present matter. The grounds for bail are not found well found. The bail application stands rejected. (Ashish Naithani, J.) 09.04.2026
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