

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S ORDERS 2026:UHC:2915
			<u>BA1 No. 425 of 2026</u> Puranlal Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Nivesh Bahuguna, 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—Puranlal, S/o Shri Tikaram, R/o Village Dopahariya, Police Station Pulbhatta, District Udham Singh Nagar. The Applicant is in judicial custody in connection with FIR No. 173 of 2025, registered at Police Station Pulbhatta, District Udham Singh Nagar, for the offences punishable under Sections 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 4. Heard Mr. Nivesh Bahuguna, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. Perused the record. 5. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and is in judicial custody since 18.12.2025. It is further submitted that no recovery has been made from the conscious possession of the Applicant and a false case has been lodged against him. It is also contended that the alleged incident occurred during daytime, yet no independent witness has been cited in the FIR, which casts doubt on the prosecution case. It is further submitted that the mandatory provisions of the NDPS Act have not been complied with. Learned counsel argues that in the absence of any recovery of narcotic drug or psychotropic substance from the Applicant, no offence under

		Sections 8/22 of the NDPS Act is made out. It is also submitted that the Applicant is a 48-year-old man with no involvement in any illegal trade relating to narcotic substances and has been falsely implicated. 6. Per contra, learned A.G.A. for the State has opposed the Bail Application and submitted that a substantial quantity of contraband has been recovered and due compliance of the mandatory provisions of the NDPS Act has been made. It is submitted that the Applicant was lawfully arrested and there is no illegality in his arrest. It is further submitted that the Applicant, along with the recovered contraband, was produced before the Court below and samples were drawn and sent for FSL examination, the report of which is awaited. It is also argued that the involvement of the Applicant is clearly established from the material collected during investigation and the learned Court below has rightly rejected the bail application. 7. This Court has given thoughtful consideration to the rival submissions and perused the material available on record. The allegations against the Applicant pertain to offences under the NDPS Act, involving recovery of a substantial quantity of contraband. The rigours of Section 37 of the NDPS Act are attracted in such cases, which places restrictions on the grant of bail. At this stage, there is no material to satisfy the twin conditions laid down under Section 37 of the NDPS Act, namely, that there are reasonable grounds for believing that the Applicant is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. 8. Considering the nature and gravity of the offence, the quantity of contraband involved, and the statutory restrictions under the NDPS Act, this Court is not inclined to grant bail to the Applicant at this stage.
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			9. Accordingly, the Bail Application is rejected. 10. However, it is clarified that any observation made hereinabove is only for the purpose of deciding the present Bail Application and shall not be construed as an expression on the merits of the case during trial. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 21.03.2026 Shiksha
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