

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:2781
			<u>BA 1st No.426 of 2026</u> "Haseena Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Vikas Anand, Ms. Gyanmati Kushwaha, learned counsels for the Applicant. 2. Mr. Dinesh Chauhan, learned AGA, 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 – Haseena, who has been accused in FIR No.52 of 2026, under Sections 8/21/29/27A of the Narcotic Drugs and Psychotropic Substance Act, and under Sections 109, 121, 132, 190, 191 (2), 191 (3), 3 (5) and 249 of the BNS at Police Station Rudrapur, District Udham Singh Nagar. 4. The prosecution story based on the FIR is that on 02.02.2026, A.N.T.F. and the local police were in the process of checking of suspicious persons and vehicles in the area of "Subhash Colony, Rudrapur" with the motive to prevent crime, patrolling and detection of the illegal narcotics substances. During the said operation, certain people were seen standing in the lane (gali) of "Subhash Colony, Rudrapur". Upon noticing the police party, it is alleged that the said persons allegedly attempted to flee from the spot resulting in a police chase. One person, namely, Nazim @ Nadeem, who was identified by the Police having previous

		criminal antecedents, he is said to have thrown a black colour plastic polythene towards a wall, and later several persons present in the locality including men and women started pelting stones, bricks and other objects upon the police party with the intention to cause fatal injuries and to obstruct the government servant from discharging their official duties. During the stone pelting and the aggression from the people gathered there, one Head Constable Sri Bhuwan Pandey, sustained serious head injuries and taking advantage of the said commotion one Nazim @ Nadeem, escaped from the crime scene, the Applicant was later apprehended by the Police and upon search a sum of Rs.700/- and transparent plastic pouch was recovered which contained approximately 63.38 grams of contraband smack (heroin). It is said that preliminary test with the kit conducted on the spot, it was found to be positive as smack (heroin). 5. Learned counsel representing the Applicant submits for the consideration of the bail that the Applicant has falsely been implicated in the present matter. Firstly, the Applicant was not present on the spot, and there was no recovery as such as alleged of being in possession of the contraband, namely, smack (heroin) weighing 63.38 grams. It was further said that the real story is that the Police were in search of one Nazim @ Nadeem, on someone tip, that he was carrying some contraband and they tried to apprehend the Nazim @ Nadeem, he fled throwing the packet of polythene which contained smack (heroin). Later, said polythene which Nazim @ Nadeem, is said to have thrown weighing 38 grams of smack, it was found.
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		6. Learned counsel for the Applicant further submits that the co-accused persons have been granted bail in the present matter. He further submits that there are procedural flaws in the present matter specifically that in the inventory report, FIR number has been mentioned, which cannot be mentioned without lodging an FIR. 7. The bail application has been opposed on behalf of the learned State Counsel with the contention that the Applicant was part of the unlawful assembly, which started pelting stones, bricks and other things on the police search party, which caused grievous injury on Head Constable Sri Bhuwan Pandey, and from the possession of the Applicant –Haseena, smack weighing 63.38 grams had been recovered, which was identified to be smack on preliminary testing on the spot by a testing kit and the statements as advanced on behalf of the learned counsel for the Applicant that the Applicant was not present and neither she pelted stones nor any recovery of the contraband, namely, Smack was recovered from her possession is totally false as it is evident that she was amongst the person who gathered there who acted in a criminal conspiracy obstructing the Government servant from performing their official duties and causing grievous injuries to a police personnel, namely, Sri Bhuwan Pandey, who is Head Constable, and contraband, namely, Smack was recovered from her possession and it is requested that bail may not be granted to the Applicant. 8. At this juncture, without going into the merits of the case, this Court finds it a fit case for bail. Firstly, that there is a mention of the FIR number in the inventory and that is a
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		gross procedural error and casts a doubt on the police search and it's working. The pelting of stones by the Applicant to the allegation that she was the person responsible for causing injuries to Head Constable Sri Bhuwan Pandey are not well founded <i>prima facie</i> at this juncture. The co-accused has also been granted bail. 9. Accordingly, bail application is allowed. It is directed that the Applicant - Haseena, who has been accused in FIR No.52 of 2026, under Sections 8/21/29/27A of the Narcotic Drugs and Psychotropic Substance Act, and under Sections 109, 121, 132, 190, 191 (2), 191 (3), 3 (5) and 249 of the BNS at Police Station Rudrapur, District Udham Singh Nagar, 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 her. (Ashish Naithani, J.) 17.04.2026 Nitesh/
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