

SL. No	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2863
			<u>BA1 No. 435 of 2026</u> Birbal Farswan Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Siddharth Singh Negi, 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—Birbal Farswan, S/o Shri Pooran Singh, R/o Village Pana, P.O. Irani, Tehsil Chamoli, District Chamoli. The Applicant is in judicial custody in connection with FIR No. 0008 of 2026, registered at Police Station Joshimath, District Chamoli, for the offences punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 4. Heard Mr. Siddharth Singh Negi, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. The record has been perused. 5. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case due to ulterior motives. It is contended that the Applicant is in judicial custody since 20.02.2026 and has no criminal antecedents. It is further submitted that the mandatory provisions of Sections 50, 52A and 57 of the NDPS Act have not been complied with by the prosecution. It is also argued that there is no independent witness to support the prosecution case. 6. Learned counsel for the Applicant further submits that the alleged recovery is shown to be 1100 grams along with the polythene, and the contraband was not weighed separately. It is

		pointed out that no proper sampling procedure has been followed and it is unclear how much of the alleged contraband was sent for chemical examination, thereby creating serious doubt about the prosecution case. 7. Per contra, learned State Counsel has opposed the bail application and submitted that there is sufficient material on record against the Applicant and that the quantity allegedly recovered falls within the category of commercial quantity, attracting the rigours of Section 37 of the NDPS Act. 8. Having considered the submissions of learned counsel for the parties and upon perusal of the material on record, this Court finds that the alleged procedural lapses, particularly with regard to compliance of mandatory provisions and the manner of weighing and sampling of the contraband, create reasonable grounds at this stage to doubt the prosecution case. The Applicant is stated to have no criminal history and is in custody since 20.02.2026. Without expressing any opinion on the merits of the case, and considering the totality of the facts and circumstances, this Court is of the view that the Applicant has been able to make out a case for grant of bail. 9. Accordingly, the Bail Application is allowed. 10. Let the Applicant—Birbal Farswan be released on bail, on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 20.04.2026 Shiksha
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