

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3823
			<u>BA1 No. 441 of 2026</u> Shahrukh and Others Applicants Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Vikas Anand, learned counsel for the Applicants. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicants, who are in judicial custody in connection with FIR No. 52 of 2026, registered at Police Station Rudrapur, District Udham Singh Nagar, for offences punishable under Sections 8/21 read with Section 29 of the N.D.P.S. Act, 1985, and under Sections 109, 121, 132, 190, 191(2), 191(3) and 3(5) of the B.N.S., 2023. 4. Heard learned counsel for the parties and perused the record. 5. Learned counsel for the Applicants submitted that the Applicants have been falsely implicated in the present case and are in judicial custody since 02.02.2026. It is further submitted that the co-accused, namely Farjand Ali alias Nanhe, having an exactly similar role to that of the present Applicants, has already been enlarged on bail vide order dated 26.02.2026. It is also submitted that, as per the allegations contained in the FIR, no specific role has been assigned to the Applicants and, in fact, the allegations under the relevant provisions of the N.D.P.S. Act are not made out against them in the absence of any direct allegations or evidence. 6. It is further submitted that there is no independent witness to the alleged recovery, despite the recovery having allegedly been effected from a crowded public place. The Applicants have no criminal history or criminal antecedents. Learned counsel further

submitted that the case of the Applicants stands on parity with the co-accused who has already been granted bail, and therefore, it is prayed that the Applicants may also be enlarged on bail.

7. Per contra, learned State Counsel opposed the bail application and submitted that the Applicants, along with other co-accused persons, attacked the police team by pelting stones with an intention to kill them, and that the police team identified all the Applicants while they were fleeing from the scene of the incident.

8. After hearing learned counsel for the parties and upon perusal of the material available on record, this Court finds that the co-accused having a similar role has already been granted bail. Therefore, without expressing any opinion on the merits of the case, this Court is of the view that the Applicants have been able to make out a fit case for grant of bail.

9. Accordingly, the Bail Application is allowed.

10. Let the Applicants be released on bail upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

11. It is made clear that any observation made hereinabove is only for the purpose of adjudication of the present bail application and shall not be construed as an expression on the merits of the case.

12. All pending applications, if any, shall stand disposed of.

(Ashish Naithani, J.)

18.05.2026

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