

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S 2026:UHC:3614
			<u>BA1 No. 445 of 2026</u> Shravan Kumar Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Gaurav Nagpal and Mr. Amit Tyagi, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Shravan Kumar, S/o Late Shri Om Prakash, R/o Gram Chandok, Post Chandok, P.S. Nangal, District Bijnor, Uttar Pradesh. The Applicant is in judicial custody in connection with Case Crime No. 0039 of 2025, registered at Police Station Devprayag, District Tehri Garhwal, for offences punishable under Sections 8/20/27/29/60 of the N.D.P.S. Act, 1985. 4. Heard learned counsel for the Applicant and 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 has been made a scapegoat by the police authorities. It is submitted that no contraband was recovered from the possession or conscious possession of the Applicant and he was not apprehended in the manner alleged by the prosecution. According to the learned counsel for the Applicant, the alleged recovery is false, fabricated and planted upon the Applicant. It is further submitted that the police, with <i>mala fide</i> intention, deliberately showed recovery of 2 Kg and 09 grams of <i>charas</i> as commercial quantity only to deprive the Applicant of his statutory right to bail. Learned counsel for the

		Applicant also submits that the Applicant was not informed about the grounds of arrest and prior to the lodging of the FIR, the documentation prepared during the course of search and seizure already contained a mention of FIR number, which casts serious doubt on the prosecution story. 6. Learned counsel for the Applicant further submits that there is no independent witness to the alleged recovery and the Applicant is languishing in jail since 27.12.2025. It is also argued that mandatory provisions of Sections 50 and 50(6) of the N.D.P.S. Act have not been complied with. 7. Per contra, learned A.G.A. opposed the bail application and submitted that the recovered contraband is of commercial quantity and there is no reason for the police to falsely implicate the Applicant in such a serious offence. Therefore, according to the State, the Applicant does not deserve bail. 8. In the present case, it is evident from the record that the documents allegedly prepared at the spot already contain the FIR number, even prior to the lodging of the FIR. This inconsistency constitutes a serious procedural irregularity and renders the prosecution case doubtful at this state. 9. After hearing learned counsel for the parties and considering the material available on record, this Court finds that the Applicant has raised arguable issues regarding compliance of mandatory provisions of the N.D.P.S. Act and the manner of alleged recovery. This Court also takes note of the fact that no independent witness has been shown to be associated with the recovery proceedings and the Applicant is in custody since 27.12.2025. Without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has made out a fit case for grant of bail at this stage. 10. Accordingly, the Bail Application is allowed.
--	--	---

			11. Let the Applicant—Shravan Kumar be released on bail in connection with Case Crime No. 0039 of 2025, registered at Police Station Devprayag, District Tehri Garhwal, upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned. 12. It is made clear that the Applicant shall cooperate with the investigation/trial and shall not misuse the liberty of bail. 13. All pending applications, if any, shall stand disposed of. (Ashish Naithani, J.) 12.05.2026 Shiksha
--	--	--	--