

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3219
			<u>BA1 No. 457 of 2026</u> Dipankar and Another Applicants Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Gaurav Singh, learned counsel for the Applicants. 2. Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicants—Dipankar S/o Brahamdutt, R/o Gol Bhatta Milapnagar, Police Station Kotwali Roorkee, District Haridwar and Aniket Chauhan, S/o Ravindra Chauhan, R/o Double Fatak Ratan Ka Purva, Police Station Kotwali Roorkee, District Haridwar. The Applicants are in judicial custody in connection with Case Crime/F.I.R. No. 81 of 2026, registered at Police Station Kotwali Roorkee, District Haridwar, for the offences punishable under Section 8/21/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 4. Heard Mr. Gaurav Singh, learned counsel for the Applicants, and Mr. Vikas Uniyal, learned Brief Holder for the State. Perused the record. 5. Learned counsel for the Applicants submits, as a primary ground for consideration of bail, that the alleged contraband weighing 11.84 grams has been shown to have been recovered from the boot of a scooter and the same has been tagged as a joint recovery from both the Applicants. It is submitted that the alleged possession is attributed jointly and not individually. It is further submitted that there is no independent witness to the alleged recovery and the mandatory provisions of the NDPS Act have not

		been duly complied with. Learned counsel further submits that the Applicants have no previous criminal history and are languishing in jail since 13.03.2026. 6. Per contra, learned State Counsel has opposed the Bail Application contending that the present is a case of chance recovery involving medium quantity and that the Applicants have criminal antecedents. 7. This Court has considered the rival submissions and perused the material available on record. Having regard to the schedule regarding small and commercial quantity under the NDPS Act, particularly Serial No. 56 read with Sub-clause VII(a) and XXIII(1) of Section 2 of the Act, small quantity of heroin is prescribed as 5 grams. In the present case, the total alleged recovery is 11.84 grams and the same is shown to be a joint recovery from two accused persons. <i>Prima facie</i>, if the allegation of joint possession is considered in the manner urged by the Applicants, the quantity attributable would fall within the ambit of small quantity. 8. At this stage, without commenting upon the merits of the case, and considering the nature of recovery, the question of joint possession, absence of independent witnesses as argued, the period of incarceration, and other attending facts and circumstances, this Court is of the view that sufficient grounds are made out for grant of bail. 9. Accordingly, the Bail Application is allowed. 10. Let the Applicants be released on bail upon each of them 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, shall stand disposed of. 12. It is made clear that observations made herein are only for the purpose of adjudication of the present bail application and shall not
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			be construed as an expression on the merits of the case during trial. (Ashish Naithani, J.) 28.04.2026 Shiksha
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