

21. BA] 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:2770
			BA1 No.495 of 2026 Rahul Kumar Vs. State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u> Mr. Piyush Sammal and Ms. Sarita Bisht, learned counsel for the Applicant. 2. Mr. N.S. Kanyal, learned AGA and Mr. Dinesh Chauhan, learned AGA for the State. 3. Present bail application is moved by the applicant, who is in judicial custody in connection with FIR No.0072 of 2025 under Section 8/29 of Narcotic Drugs and Psychotropic Substances Act, P.S. Banbasa, District Champawat (SST No.15 of 2026). 4. Learned counsel for the applicant submits that applicant has been falsely implicated in the present matter and the recovery of the contraband the scheduled drug MDMA that is tagged with the applicant are false as the bills of the same are in the name of the co-accused. 5. The case of the prosecution is that 100.03 gram of MDMA was recovered from one Vishal Narendra Bhandari on 30.07.2025 and on the confessional statement of Vishal Narendra Bhandari name of the applicant surfaced as the person, who provided the said drug to Vishal Narendra Bhandari alongwith Kunal Kohli son of Ramlal. It is further stated that it is alleged that the contraband was given to him at his home situated in Nepal from where he was taken it to Mumbai for sale. The prosecution has also roped the applicant of having a criminal history prior to incident that he in collusion with the co-accused Vishal Narendra Bhandari, Kunal Kohli and wife Isha were smuggling 5 kg 688 grams of

		MDMA, which was recovered from the accused's wife Isha. Thus making the applicant the main person involved in such criminal conspiracy but in that case Isha has already been granted bail by this Court on 24.03.2026. 6. It is further stated that the applicant has nothing to do with the said recovery and there is nothing on record to connect the applicant with the present crime. The alleged bills, the alleged involvement and in a factual a way the contraband is said to have been made, is not in the name of the applicant. Lastly it is submitted that as per recovery memo the contraband drug recovered from the applicant is shown to be MDMA but as per the FSL drug report the sample was found to be Mephedron, which are not exactly the same and hence it is pleaded that he may be enlarged on bail. 7. The learned State counsel refutes to the submission, so advanced by learned counsel for the applicant with the submission that the applicant has a criminal history and there has been antecedents that clearly shows that he was involved in the drug trafficking. It is contended that though FSL report exactly does not mention the name of the drug that is shown to have been recovered from the possession of the applicant but what has been positively recorded as Mephedron that comes under the scheduled drugs and simply because the nomenclature are different the applicant not being the beneficiary of the same and it is requested that bail application be rejected. 8. After hearing the rival submission of the parties, this Court finds that it is a fit case for bail. Without going into the merits of the case, on the ground that the drug shown to be recovered from the possession of the applicant
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			defers from the result and the drug name in the FSL report, applicant is entitled to be released on bail. 9. Accordingly, bail application is allowed. Let the applicant-Rahul Kumar be released on bail on his executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of court concerned. (Ashish Naithani, J.) 17.04.2026 Arti
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