

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:4009
			<u>BA1 No. 594 of 2026</u> Sameer alis Chikna Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Gaurav Singh, learned counsel for the Applicant. 2. Mr. Pradeep Lohani, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Javed, S/o Tahir Ahmad, R/o Shakti Mohalla, Roorkee, Police Station Kotwali Roorkee, District Haridwar, who is in judicial custody in connection with FIR/Case Crime No. 99 of 2026, registered at Police Station Kotwali Gangnahar, District Haridwar, for offences punishable under Sections 25(1-A) and 25(1-B)(A) of the Arms Act. 4. Heard learned counsel for the parties and perused the record. 5. Learned counsel for the Applicant, while pressing the bail application, submitted that the Applicant has been falsely implicated in the present case and is in judicial custody since 16.03.2026. It is contended that the Applicant has not committed the alleged offence and was neither present at the spot nor was any incriminating article recovered from his possession. It is further submitted that the Applicant has been implicated on the basis of a concocted story. Learned counsel further contended that no videography of the alleged raid and recovery was conducted by the police; however, in the FIR, an incorrect fact regarding photography has been mentioned, which creates serious doubt regarding the fairness and authenticity of the alleged recovery proceedings. 6. It is further contended that no independent witness was associated during the alleged search and seizure despite the place being a public area, thereby reflecting non-compliance of the

mandatory legal provisions governing search and seizure. Learned counsel also submitted that no ballistic report has been brought on record and, in absence of such scientific evidence, it cannot conclusively be established that the alleged firearms were functional or fall within the mischief of the relevant provisions of the Arms Act. It is also submitted that the Applicant has no criminal antecedents.

7. Per contra, learned State Counsel opposed the bail application and contended that during checking, from the possession of the Applicant, recovery of four country-made pistols of .315 bore, one open country-made pistol of .315 bore, one country-made pistol of 12 bore, one half-manufactured country-made pistol, one country-made rifle of .22 bore, along with equipment used for manufacturing country-made pistols, was effected.

8. After hearing learned counsel for the parties and upon perusal of the material available on record, this Court finds that considering the overall facts and circumstances of the case, and without expressing any opinion on the merits thereof, the Applicant has been able to make out a fit case for grant of bail.

9. Accordingly, the Bail Application is allowed.

10. Let the Applicant 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.)

21.05.2026

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