

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3842
			<u>BA1 No. 625 of 2026</u> Santosh Kumar Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. S.R.S. Gill, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Santosh Kumar, S/o Shri Hemraj, R/o Village Chhinki, Post Office Darau, Police Station Kichha, District Udham Singh Nagar. The Applicant is in judicial custody in connection with FIR No. 31 of 2026, registered at Police Station Kichha, District Udham Singh Nagar, for offences punishable under Sections 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 4. Heard learned counsel for the parties and perused the record. 5. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated and has not committed any offence. It is further submitted that the recovery memo merely mentions recovery of 270 strips comprising 2160 capsules, but does not specify the exact quantity of the contraband substance contained therein, which is essential to determine whether the alleged recovery falls within small, intermediate, or commercial quantity. It is also contended that the Applicant possesses a valid license to run a medical store, and therefore, even if the allegations are taken at their face value, the alleged act may at best constitute an offence under the Drugs and Cosmetics Act, 1940, particularly under Section 27 thereof, and not under the provisions of the NDPS Act. It is further submitted that the grounds of arrest were not communicated to the

		Applicant. The Applicant is in judicial custody since 31.01.2026. 6. Per contra, learned State Counsel vehemently opposed the bail application and submitted that the Applicant is involved in a serious offence involving recovery of a large quantity, i.e., 2160 capsules of Tramadol. It is further submitted that all mandatory provisions of the NDPS Act were duly complied with at the time of recovery and arrest. The recovery officer has acted in accordance with law, and all procedural requirements under the statute have been fulfilled. Therefore, there is no illegality in the arrest of the Applicant. 7. Having heard rival submissions and upon perusal of the material available on record, this Court finds that the quantity of the contraband allegedly recovered is huge in nature and the mandatory provisions of the NDPS Act appear to have been duly complied with by the investigating agency. The prosecution case <i>prima facie</i> discloses the involvement of the Applicant in the alleged offence, and the material collected during investigation supports the prosecution version. 8. At this stage, this Court does not find any mitigating circumstance warranting the exercise of discretion in favour of the Applicant. Considering the nature and gravity of the offence, the severity of punishment prescribed, and the overall facts and circumstances of the case, this Court is not inclined to enlarge the Applicant on bail. Furthermore, the possibility of the Applicant influencing witnesses or absconding cannot be ruled out. 9. Accordingly, no case for grant of bail is made out. The Bail Application is, therefore, rejected. 10. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application and shall not influence the trial on merits.
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