

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:4316
			<u>BA1 No. 644 of 2026</u> <u>Hon'ble Ashish Naithani, J.</u> Mr. Mukul Dangi, learned counsel for the Applicant. 2. Mr. Pratiroop Pandey, learned A.G.A for the State of Uttarakhand. 3. Heard learned counsel for the parties and perused the record. 4. The present Bail Application has been moved by the Applicant, namely Balwant Singh, S/o Sri Umed Singh, R/o Village Kotla, Post Bedchula, Tehsil Dhari, Mukteshwar, District Nainital, who is in judicial custody in connection with FIR No. 0007 of 2026, registered at Police Station Lamgara, District Almora, for offences punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 5. Learned counsel for the Applicant, while pressing the present bail application, submitted that the Applicant has been falsely implicated in the present case and is in judicial custody since 03.04.2026. It is contended that, as per the prosecution version, the alleged contraband recovered from the possession of the Applicant is 924 grams, including the weight of the plastic bag, which is below the commercial quantity prescribed under the Narcotic Drugs and Psychotropic Substances Act, 1985. It is further submitted that there is no independent witness to the alleged recovery and that the mandatory provisions governing seizure and recovery under the Act have not been duly complied with. Learned counsel further submitted that the Applicant has no criminal antecedents relating to offences of a similar nature. It is also contended that nothing incriminating was recovered from the conscious possession of the Applicant and that the alleged recovery has been falsely planted.

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| | | | <p>6. Per contra, learned State Counsel opposed the bail application and submitted that though the alleged recovery is below the commercial quantity, it is very close to the commercial quantity and, therefore, the Applicant does not deserve to be enlarged on bail.</p> <p>7. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the alleged recovery shown against the Applicant is below the commercial quantity. The Applicant is stated to have no criminal history and has remained in judicial custody since 03.04.2026.</p> <p>8. Considering the overall facts and circumstances of the case, the nature of the allegations, the quantity of the alleged contraband recovered, the period of incarceration undergone by the Applicant, and without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has been able to make out a fit case for grant of bail.</p> <p>9. Accordingly, the Bail Application is allowed.</p> <p>10. Let the Applicant, namely Balwant Singh, 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.</p> <p>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.</p> <p>12. All pending applications, if any, shall stand disposed of</p> |
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(Ashish Naithani, J.)

30.05.2026

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