

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:4413
			BA1 No.711 of 2026 <u>Hon'ble Ashish Naithani, J.</u> Mr. Pragya Prakash Upadhyay, learned counsel for the Applicant. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand. 3. Present first bail application has been moved on behalf of the applicant, who is in judicial custody since 25.02.2026, in connection with FIR No.30 of 2026, registered at Police Station Pulbhatta, District Udham Singh Nagar, for the offence punishable under Section 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. 4. The facts, in brief, are that on 25.02.2026, a team comprising officials of the Drug Department, S.O.T.F./Kumaon Division and police personnel conducted a checking/raid at S.K. Medical Store, Shaktifarm Road, Main Chauraha, Kichha. As per the State's case, the applicant was found present at the shop and certain medicines/psychotropic substances were recovered from the shop and from the connected premises/house of the applicant. On the basis of the said recovery, the applicant was arrested and the present FIR came to be registered. 5. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that the applicant is a registered pharmacist and proprietor of S.K. Medical Store, which is a licensed medical establishment. It is further submitted that the applicant was legally entitled to stock and sell medicines in accordance with the licence issued under law, and therefore mere recovery of medicines from a licensed shop cannot by itself establish illegal possession under the NDPS Act. 6. Learned counsel further submits that the CCTV footage supports the applicant's case. It is

			submitted that the footage shows one Shahrukh bringing a carton on a motorcycle and leaving it at the applicant's shop, and therefore the applicant cannot be said to have conscious possession or knowledge of the contents thereof. It is also submitted that the applicant has no previous criminal history, is a permanent resident of the locality and is not likely to abscond. 7. Learned counsel also submits that the alleged recovery has wrongly been projected as commercial quantity. It is submitted that the recovered articles are pharmaceutical preparations/combination medicines, and the actual psychotropic content has not been properly determined. It is further submitted that the mandatory provisions of the NDPS Act have not been duly complied with. 8. Per contra, learned State counsel has vehemently opposed the bail application. It is submitted that the applicant was found in possession of a large quantity of prohibited drugs/psychotropic substances from his shop and connected premises, and that he failed to produce valid bills, stock register or lawful authorisation regarding the recovered articles. 9. Learned State counsel submits that the CCTV footage, instead of supporting the applicant, corroborates the State's case. It is submitted that the footage shows movement of co-accused Shahrukh and delivery of the carton at the applicant's shop. It is further submitted that the CCTV material also shows that a woman officer/member of the raiding team was present and participated in the search proceedings, which answers the objection sought to be raised regarding the manner of search. 10. Learned State counsel further submits that the CDR details and WhatsApp chats collected during investigation show continuous contact between the applicant and co-accused Shahrukh, including communication relating to prohibited medicines/drugs and payment. It is submitted that
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			several recovered articles were not reflected in proper stock records and the batch numbers of certain medicines were found erased/obliterated with black marker, particularly Proximec & SPAS capsules. 11. Learned State Counsel also submits that the recovered quantity is commercial in nature. It is submitted that 4800 OHMS ALPHA 0.5 tablets and 870 Calmpik-0.5 tablets were recovered, and the total quantity of Alprazolam tablets, as calculated in the inventory/material placed on record, is 745.8 grams, which falls in commercial quantity. It is further submitted that the Tramadol-based recovered medicines, namely Proxyco SPAS, Proximec SPAS, Spasmed and Spasvikwon SPAS, have also been shown in the inventory as commercial quantity. Therefore, the rigour of Section 37 of the NDPS Act is attracted. 12. Having considered the rival submissions and having perused the material placed on record, this Court finds that the allegation against the applicant are serious in nature. The applicant is alleged to have been found in possession of a large quantity of prohibited psychotropic substances from his shop and connected premises, for which, according to the State, no valid bills, stock register or lawful authorisation could be produced. 13. The circumstance which weighs with this Court at this stage is that the batch numbers of certain recovered medicines are alleged to have been erased/obliterated with black marker. In a case where the applicant claims protection on the ground that he is a licensed pharmacist running a lawful medical store, the obliteration of batch numbers on recovered medicines assumes significance. Prima facie, such circumstance is not consistent with ordinary lawful stocking of medicines and cannot be ignored while considering the prayer for bail. 14. This Court also finds that the reliance placed by the applicant on CCTV footage does not persuade this Court to enlarge him on bail at this
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			stage. The State has taken a specific stand that the CCTV footage shows the movement of co-accused Shahrukh and delivery of the carton at the applicant's shop. More importantly, the CCTV footage is also stated to show the presence of a woman officer/member of the raiding team during the search proceedings. Thus, the objection sought to be raised regarding the manner of search does not create such doubt as would justify grant of bail at this stage. 15. As regards quantity, the applicant disputes the manner of calculation and submits that only the actual psychotropic content ought to be considered. However, the State has placed material to show that the seized Alprazolam tablets themselves amount to 745.8 grams and that the Tramadol-based medicines mentioned in the inventory fall within commercial quantity. At the stage of bail, this Court is not required to conduct a detailed chemical or mathematical analysis of the seized articles, particularly when the State's material prima facie discloses commercial quantity. 16. Considering the alleged recovery, the erased/obliterated batch numbers, the CCTV material showing the presence of a woman officer/member of the raiding team, the material relating to co-accused Shahrukh, and the prima facie commercial quantity, this Court is not inclined to enlarge the applicant on bail. 17. Accordingly, the bail application is rejected. (Ashish Naithani, J.) 30.05.2026 Arti
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