

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010076922026</u> <u>BA1/765/2026</u> Menpal --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. D.C.S. Rawat, learned counsel for the applicant. 2. Mr. Pratiroop Pandey, learned A.G.A. for the State. 3. The present applicant 'Menpal' S/o Ratan Singh is praying for bail in a reference to First Information Report dated 01.03.2026 bearing FIR No. 05 of 2026 P.S. Laxmanjhoola, District Pauri Garhwal, wherein, the present applicant along with one Rajkumar have been implicated for the offences punishable under section 8/20/29 r/w section 60 of the NDPS Act. 4. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and the contraband as shown is the commercial quantity of <i>charas</i> i.e. 1 kg 4 gms. and it is a joint recovery from both the accused and there is no substantial compliance of the mandatory provision of the NDPS Act. 5. He further submits that since the alleged contraband, which is shown to be recovered is commercial one and the exact weight is 1.1 kg 4 gms, which has been shown only to make out a case of commercial quantity. He further submits that section 37 of NDPS Act will come into his way and in reference to this he submits that since the present applicant has no criminal antecedent and is languishing in jail since 01.03.2026, therefore, if he be enlarged on bail, there is no such possibility that he will indulge in such activity in future.

			6. He further submits that in respect of the recovery though the inventory was prepared but the same was not certified in the manner as provided under Rule 8 of the Rules of 2022 and, therefore, there is no substantial compliance of section 52A of NDPS Act. 7. He further submits that since the condition as stipulated under section 37 of NDPS Act is now fulfilled, therefore, the applicant be released on bail. 8. On the other side, Mr. Pratiroop Pandey, learned A.G.A. has not disputed that the applicant has no criminal antecedent and is languishing in jail since 01.03.2026, however, he submits that the inventory was certified by the Magistrate by putting endorsement of 'seen' and there is a substantial compliance and even otherwise whether the inventory was properly certified or not this is the subject matter of trial but this aspect can be looked into while considering the bail application. 9. After hearing the arguments of learned counsel for the parties and in view of the discussion as above, since now the twin conditions as stipulated under section 37 of the NDPS Act are fulfilled, this court is of the view that the applicant deserves for bail. 10. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 11. Let the applicant 'Menpal' be released on bail on furnishing his personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned. 12. It is made clear that after being released on bail the applicant shall join the trial court proceeding on each and every date without seeking any unnecessary adjournment and will not be indulged in any such activity in future. (Rakesh Thapliyal, J.) 09.07.2026 PR
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