



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/ 1098/2026</u> Manish Kumar Petitioner Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Himanshu Pal, learned counsel for the petitioner. 2. Mr. Deepak Bisht, learned Deputy A.G. along with Mr. Prabhat Kandpal, learned A.G.A. for the State. 3. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner seeks to quash the First Information Report being Case Crime No. 0222 of 2026, dated 02.06.2026, registered at Police Station SIDCUL, District Udham Singh Nagar, for the offences punishable under Sections 8, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the N.D.P.S. Act"). 4. Learned counsel for the petitioner would submit that the impugned F.I.R. has been lodged alleging, inter alia, that on 02.06.2026, a joint raid was conducted by the police authorities along with the Drug Inspector at a medical store situated in the SIDCUL area. During the course of the raid, co-accused Sagar was allegedly found present inside the medical store and upon search of the premises, 101 capsules of



			Spasmo Tramadol were allegedly recovered from a drawer of the shop. It is alleged that the said capsules were being illegally possessed and sold from the medical store; that, during interrogation, co-accused Sagar allegedly disclosed that the medical store belonged to the present petitioner, that the drug licence had been issued in the petitioner's name, and that the recovered capsules had been procured by the petitioner for sale through the said medical store; that, on the strength of the aforesaid disclosure statement, the investigating agency implicated the petitioner for the offences punishable under Sections 8, 22 and 29 of the N.D.P.S. Act. 5. Learned counsel for the petitioner would further submit that the petitioner is the proprietor of the said medical store and is carrying on his business under a valid drug licence issued by the competent authority, which remains valid up to 05.10.2030; that, the petitioner is innocent and has falsely been implicated despite there being no direct evidence connecting him with the alleged recovery. It is further submitted that Tramadol is a Schedule H1 drug under the Drugs and Cosmetics Act, 1940 and the Rules framed thereunder, and the petitioner, being a licensed dealer, was legally authorised to stock and sell the said drug in accordance with the statutory provisions. 6. Learned counsel would further submit that the alleged recovery of 101 capsules of Spasmo Tramadol was effected from the medical store in the presence of co-accused Sagar, whereas the petitioner was neither present at the spot nor was any contraband recovered from his personal or
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		conscious possession; that, no specific overt act has been attributed to the petitioner in the impugned F.I.R. and that his implication rests solely upon the disclosure statement allegedly made by the co-accused during investigation; that, except for the said disclosure statement, there is no independent material collected by the investigating agency connecting the petitioner with the alleged commission of the offence. 7. It is further submitted that, as per the prosecution case itself, the recovery comprises 101 capsules of Spasmo Tramadol weighing approximately 55.55 grams, which is below the commercial quantity prescribed under the N.D.P.S. Act and falls within the category of intermediate quantity. It is, therefore, contended that the rigours of Section 37 of the N.D.P.S. Act are not attracted. Learned counsel would further submit that the disclosure statement of a co-accused, in the absence of any corroborative material, cannot by itself constitute the basis for implicating another person under the N.D.P.S. Act, therefore, the impugned F.I.R. be quashed. In support of his submissions, learned counsel has placed reliance upon various judgments. 8. Per contra, learned Deputy Advocate General appearing for the State has opposed the writ petition and submitted that the drug licence of the medical store from where the contraband was recovered stands in the name of the present petitioner, and the same has been duly verified by the competent authority during the course of investigation; that, the recovery of 101 capsules of Spasmo Tramadol weighing approximately 55.55
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		grams from the medical store is not disputed. 9. Learned Deputy Advocate General would further submit that Tramadol has been included as a psychotropic substance in the Schedule specified under Section 2(xxiii) of the N.D.P.S. Act and its possession and sale are regulated under the provisions of the Act as well as the applicable Rules. It is contended that Schedule H1 drugs can be sold only on the prescription of a registered medical practitioner and the licensee is required to maintain a separate register containing particulars of purchase and sale in accordance with the Drugs and Cosmetics Rules. He would further submit that during the raid, the requisite statutory records were allegedly not found available in the medical store; that, that the investigation is still in progress and the role of the petitioner is yet to be fully ascertained. The learned Deputy Advocate General would also submit that the judgments relied upon by the petitioner are distinguishable on facts and are, therefore, inapplicable to the present case. 10. Heard learned counsel for the parties and perused the material available on record. 11. It is not in dispute that the alleged recovery of 101 capsules of Spasmo Tramadol was effected from the medical store in respect of which the drug licence stands issued in the name of the present petitioner. The investigation is still at a nascent stage and the investigating agency is yet to examine the circumstances relating to the procurement, storage and sale of the recovered psychotropic
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			substance, as well as the petitioner's role in the alleged offence. At this stage, the Court is not expected to undertake a meticulous examination of the evidence or adjudicate upon disputed questions of fact while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India. 12. The contentions raised by the petitioner, including the evidentiary value of the disclosure statement of the co-accused, the legality of the possession of Tramadol under a valid drug licence, and the absence of conscious possession, are matters requiring investigation and, if necessary, consideration by the competent court at the appropriate stage. At this stage, it cannot be said that the allegations made in the F.I.R., taken at their face value, fail to disclose the commission of any cognizable offence or that the case falls within any of the well-recognised categories warranting interference for quashing the F.I.R. 13. In view of the aforesaid facts and circumstances, this Court is not inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with the impugned First Information Report at this stage. 14. Accordingly, the writ petition is dismissed. 15. No order as to costs. MAMTA RANI mamta Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfc46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.07.22 10:28:36 +05'30' (Alok Mahra, J.) 21-07-2026
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