

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010107412025  2026:UHC:7228
			<u>UKHC010107412025</u> <u>BA1/1239/2025</u> Gaurav Kumar --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Vikas Anand, learned counsel for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder, for the State of Uttarakhand. 3. The present applicant - Gaurav Kumar S/o Sh. Nathuni Prasad, is praying for bail in reference to FIR dated 14.01.2025 bearing FIR No.12 of 2025, Police Station Pantnagar, District Udham Singh Nagar, wherein, the present applicant has been implicated for the offences punishable under Sections 8/22 of the NDPS Act. 4. As per search and seizure memo, 44 injections i.e. Buprenorphine Injection IP 2ml Prenogestic, is recovered from the present applicant, which as per Schedule is commercial one, therefore, rider of Section 37 of the NDPS Act, will come into way. In reference to this, learned counsel for the applicant argued that the present applicant is languishing in jail since 14.01.2025, and up till date not a single prosecution witness has been examined, and there is no possibility that the trial would be expedited soon. He further submits that the applicant have criminal antecedents of one case that too relates to the NDPS Act, wherein, the alleged contraband, which was recovered was <i>charas</i> and the quantity was only 100 gm in which he is already bailed out. He further submits that there is no substantial compliance of Section 52A of the NDPS Act, since the inventory is not certified in the manner as provided under the Rules of 2022, as the Magistrate certified the inventory by putting an endorsement of "seen only". He further submits that the present applicant already suffered long incarceration of more than 1 year 6 months, therefore, rider of Section 37 of the Act can be dispensed with. 5. On the other side, learned Brief Holder for the

		State submits that in terms of Section 37 of the NDPS Act, the applicant does not deserves for bail, however, he has not disputed that the present applicant is languishing in jail since 14.01.2025 and already suffered incarceration of more than 1 year 6 months, and there is no substantial progress in the trial. 6. After hearing the submissions of the learned counsel for the parties, and taking into consideration that the present applicant is languishing in jail since 14.01.2025 and he is a young person of 27 years, therefore, the rider of Section 37 of the NDPS Act, can be dispensed with, particularly when, the applicant suffered incarceration of 1 year 6 months, therefore, this Court is of the view that the applicant deserves for bail. 7. Accordingly without expressing any opinion on the merits of the case, bail application is allowed. 8. Let the applicant - "Gaurav Kumar", be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:- (a) After being released on bail the applicant shall join the Trial Court proceedings on each and every date without seeking any unnecessary adjournment. (b) The applicant shall not indulge in future in any such activity. (c) On breach of any such conditions, the prosecution is directed to move an application for cancellation of bail granted to the applicant. (Rakesh Thapliyal, J.) 13.08.2026 Nitesh/
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