

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010112902025  2026:UHC:6619
			<u>UKHC010112902025</u> <u>BA1/1294/2025</u> Danish --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Saurabh Kumar Pandey, learned counsel for the applicant. 2. Mr. B.C. Joshi, learned AGA, for the State of Uttarakhand. 3. The present applicant - Danish S/o Vahid Hussain, is praying for bail in a reference to FIR dated 27.06.2025 bearing FIR No.0239 of 2025, Police Station Ramnagar, District Nainital, wherein, the present applicant along with two others, namely, Aartik and Bhuri, has been implicated for the offences punishable under Sections 8/20 read with Section 29 and 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 have no criminal antecedents and is languishing in jail since 27.06.2025, and the alleged contraband which is shown to be recovered is 68.2 Kg, <i>ganja</i> though whether the contraband as recovered is <i>ganja</i> or not is doubtful though commercial one, therefore, the rider of Section 37 of the NDPS Act, will come into the way. In reference to this, he submits that at the time of search and seizure, the inventory of the contraband was prepared but the same was not properly certified by the Magistrate in the prescribed form 8 as prescribed under the Rule of Narcotics Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal), Rules, 2022, therefore, there is no substantial compliance of Section 52A of the NDPS Act, and as such, there are reasonable ground that the applicant is not guilty of the offence as alleged. Apart from this, he submits that the applicant have no previous criminal history and if he is enlarged on bail there is such possibility that after being released on

		bail he will not indulge in all these activities. He further submits that the though the chargesheet has been filed on 23.12.2025, but up till date not a single prosecution witness has been examined. He submits that since now twin conditions as stipulated under Section 37 of the NDPS Act, are fulfilled, therefore, the applicant be released on bail. 5. Per contra, Mr. B.C. Joshi, learned AGA submits that since the alleged contraband is commercial one i.e. 68.2 Kg <i>ganja</i>, therefore, in terms of Section 37 of the NDPC Act, the applicant does not deserves for bail. Apart from this, he submits that whether the alleged contraband is <i>ganja</i> or not, is completely a subject matter of the trial, however, he has not disputed that the inventory is certified by the Magistrate only by putting an endorsement of "seen". Apart from this, he has also not disputed that the applicant has no criminal antecedents. 6. After hearing the submissions of the learned counsel for the parties, and in view of the discussion as above, since the twin conditions as stipulated under Section 37 of the NDPS Act are fulfilled and the present applicant is languishing in jail since 27.06.2025, 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 - "Danish", 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) The applicant shall also not leave the country without prior permission of the court, and surrender, his passport, if any, to the Trial Court within three days, after being released on bail. (b) On breach of any such conditions, the
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