

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1191/2026</u> Gaurav Prajapati Applicant Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Ms. Divya Jain, learned counsel for the applicant. 2. Mr. Tumul K. Nainwal, learned A.G.A. along with Mr. Vijay Khanduri, learned Brief Holder for the State. 3. Applicant- Gaurav Prajapati, who is in judicial custody in connection with FIR/Case Crime No. 0039 of 2025, under Sections 8, 20, 27, 29 and 60 of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Devprayag, District Tehri Garhwal has sought his release on bail. 4. Heard learned counsel for the parties and perused the record. 5. Learned counsel for the applicant would submit that, as per the prosecution case, the alleged recovery is of 2.009 kg. of charas, which was shown to have been recovered from co-accused Sharvan Kumar and the vehicle in question. She would submit that the F.I.R. itself discloses that Sharvan Kumar was apprehended at the spot and the alleged contraband was recovered from his possession, whereas the present applicant was neither apprehended from the spot nor has any recovery of contraband been made from his conscious or physical possession. Thus, there is no independent recovery connecting the applicant with the alleged contraband.

			6. Learned counsel would further submit that the applicant is innocent and has falsely been implicated in the present case; that, the name of the applicant surfaced only on the basis of the alleged disclosure/confessional statement of co-accused Sharvan Kumar and there is no independent material in the F.I.R. showing recovery of any contraband from the possession of the applicant. She would further submit that reliance has been placed by the prosecution upon two money transactions allegedly connecting the applicant with the co-accused; however, one such transaction pertains to the year 2024, whereas the other relates to the period from 02.05.2025 to 03.07.2025, while the F.I.R. came to be lodged on 27.12.2025. Thus, according to learned counsel, the said transactions, by themselves, do not establish any nexus between the applicant and the alleged offence. 7. Learned counsel would further submit that the aforesaid monetary transactions were in fact in respect of a friendly loan advanced by the applicant to the co-accused, and when the applicant demanded repayment of the amount so advanced, the co-accused, after being released on bail, with an ulterior motive, implicated the applicant in the present case. She would further submit that the principal accused, namely, Sharvan Kumar, has already been granted bail by a Coordinate Bench of this Court vide order dated 12.05.2026. On the ground of parity also, the applicant is entitled to be enlarged on bail. 8. It is further submitted that the applicant is in judicial custody since 18.06.2026; that he is a permanent resident of District Haridwar and there is no likelihood of his absconding or fleeing from the course of justice. It is also
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			submitted that the applicant has no reason to tamper with the prosecution evidence or influence the witnesses; that, the trial is not likely to conclude in the near future and, considering the period of incarceration already undergone by the applicant, he deserves to be released on bail. 9. Per contra, learned State counsel would vehemently oppose the prayer for bail and would submit that the Call Detail Records (C.D.R.) of the co-accused Sharvan Kumar disclose telephonic contact between the co-accused and the present applicant, which, according to the prosecution, establishes their contact with each other. Learned State counsel, however, fairly admits that the main accused named in the F.I.R., namely, Sharvan Kumar, has already been granted bail by a Coordinate Bench of this Court vide order dated 12.05.2026 and the applicant is in judicial custody since 18.06.2026. 10. Having considered the rival submissions and the facts that no recovery was made from the applicant, he was not apprehended at the spot, his implication rests, inter alia, on the co-accused's disclosure statement and alleged monetary transactions, the principal accused has already been granted bail, and the applicant is in custody since 18.06.2026, without expressing any opinion on merits, this Court is of the view that the applicant is entitled to bail. 11. Accordingly, the bail application is allowed. Let the applicant be released on bail in the aforesaid case, upon furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned, subject to the following conditions: (a) The applicant shall execute a personal bond and furnish two reliable sureties in the like amount to the
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			satisfaction of the trial court. (b) The applicant shall not leave the country without prior permission of the court. (c) The applicant shall appear before the investigating officer as and when required and cooperate with the investigation. (d) The applicant shall not tamper with evidence or witnesses, either directly or indirectly and shall not indulge in any criminal activity while on bail. (e) The applicant shall surrender his passport, if any, to the court or to the investigating agency, to preclude risk of absconding. 12. The bail granted to the applicant shall be liable to be cancelled in the event of any violation of the aforesaid conditions or if the applicant is found to have misused the liberty granted to him. Mamta (Alok Mahra, J.) 25.08.2026 MAMTA RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfcf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.08.25 18:07:11 +05'30'
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