

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010131282025</u> <u>BA1/1540/2025</u> Mohd Sameer --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Manoj Bhatt, learned counsel for the applicant through Legal Aid. 2. Mr. B.C. Joshi, learned A.G.A. for the State. 3. The instant bail application is moved on behalf of the present applicant Mohd. Sameer, S/o Javed through Legal Aid Counsel for seeking bail in reference to FIR dated 27.11.2024 bearing FIR No. 0225 of 2024, P.S. Banbhoolpura District Nainital wherein he is implicated and charge sheeted for the offences punishable under Sections 8/22 of the NDPS Act. 5. It is argued by the learned Legal Aid Counsel that though the alleged narcotic substance as shown to be recovered is commercial one but there is no substantial compliance of mandatory provision of the NDPS Act. He further submits that though inventory was prepared at the time of search and seizure but not certified in the manner as provided under 2022 Rules. He further submits that applicant has no previous criminal history and if he is enlarged on bail there is less possibility that he will indulge in any such activity. He concluded his arguments by submitting that twin conditions as stipulated under Section 37 of the Act are fulfilled and present applicant is languishing in jail since 28.11.2024 and suffered incarceration of more than one year and seven months, therefore,

		he be released on bail. 6. On the other side, Mr. B.C. Joshi, learned AG.A. for the State have not disputed that the inventory so prepared at the time of search and seizure was certified by the Magistrate concerned by putting an endorsement of seen however he submits that it is the subject matter of the trial though can be looked into while considering the bail application. Apart from this he has not disputed that the applicant has no previous criminal history. 7. After hearing the learned counsel for the parties and taking into consideration that the applicant is languishing in jail since 28.11.2024 and in view of the submission as above, prima facie, this Court is of the view that twin conditions as stipulated under Sections 37 of the Act are now fulfilled, and even otherwise the applicant herein already suffered incarceration of more than one year seven months, therefore, the rider of Section 37 of the NDPS Act can be relaxed particularly when applicant has no criminal antecedent, therefore this Court is of the view that the applicant deserves for bail. 8. Accordingly, without expressing any opinion on the merit of the case the bail application is allowed. 9. Let the applicant Mohd. Sameer be released on bail on his executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned. 10. 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 unnecessary adjournment and will not indulge in any such activity in future and if the applicant is found to be indulge in any such activity the prosecution is free move an application for cancellation of bail. (Rakesh Thapliyal, J.) 19-08-2026 Parul
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