

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:5005
			<u>BA 1st No.1654 of 2025</u> <u>Hon'ble Rakesh Thapliyal, J.</u> Ms. Medha Pande, learned counsel for the applicant through VC. 2. Mr. Sandeep Sharma, learned AGA, for the State of Uttarakhand. 3. The present applicant – Deepak @ Karan S/o Sri Tula Ram, is praying for bail in reference to FIR dated 14.07.2025 bearing FIR No.50 of 2025, Police Station Kotwali Bageshwar, District Bageshwar, wherein, the present applicant along with one Mukesh Goswami, have been implicated for the offences punishable under Sections 8/20 read with Section 60 of the NDPS Act. 4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated and the alleged contraband which is shown to be recovered is <i>charas</i> and the weight is 1.20 Kg, which is commercial one, therefore, rider of Section 37 of the NDPS Act, will come into the way, for which twins condition has to be fulfilled. She further submits that the chargesheet has been filed and the trial has already been commenced and the applicant is languishing in jail since 14.07.2025. 5. In reference to Section 37 of the NDPS Act, learned counsel for the applicant argued that firstly there is no substantial compliance of Section 52-A of the NDPS Act, since though the inventory was prepared but it was not certified in the manner as provided under Rule 8 of the Narcotics Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal), Rules, 2022 as the inventory was certified by the Magistrate only by putting an endorsement of “seen”, which itself shows that while certifying the inventory, the Magistrate has not applied its judicial mind. Apart from this, she submits that the applicant has no previous criminal history and therefore if the applicant is bailed out there is no any such possibility that he will indulge in any such

		activities in future. 6. On the other side, learned AGA submits that since the alleged contraband is commercial one, therefore, in view of Section 37 of the NDPS Act, the applicant does not deserve for bail. However, he has not disputed that the inventory was certified by the Magistrate only by putting an endorsement of “seen”. Furthermore, he also submits that the applicant have no previous criminal history. Learned State Counsel has not disputed that the trial has already been commenced and the applicant is languishing in jail since 14.07.2025. 7. In view of the discussion as above, since now the twins condition as stipulated under Section 37 of the NDPS Act, has now been fulfilled, therefore, this Court is of the view that the applicant deserves for bail. 8. Accordingly, without expressing any opinion on the merits of the case, the bail application is allowed. 9. Let the applicant – Deepak @ Karan, 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. 10. It is made clear that the trial court while proceeding with the suit will not be influenced with the observations as above. (Rakesh Thapliyal, J.) 17.06.2026 Nitesh/
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