

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2870
			<u>BA1 No. 1653 of 2025</u> Suleman Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. S.R.S. Gill and Mr. Pranav Singh, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Suleman, S/o Dilshad, R/o Village Buddhahedi, Police Station Haridwar. The Applicant is in judicial custody in connection with FIR/Case Crime No. 0142 of 2025, registered at Police Station Kotwali Roorkee, District Haridwar, for the offences punishable under Sections 8/22, 27, 29 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, “NDPS Act”). 4. Heard Mr. S.R.S. Gill, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. for the State. The record has been perused. 5. The main contentions advanced by learned counsel for the Applicant are that, firstly, the co-accused has been granted bail and the Applicant has been roped into the present case, though the quantity of the seized drug, i.e., Diazepam, has been shown to be of commercial quantity. It is not clear as to how the samples were selected. It is submitted that the alleged commercial quantity of Diazepam injections, numbering 2,915, were arranged and kept in 59 boxes. Out of these, 58 boxes contained 50 injections each, whereas the 59th box contained only 15 injections, totalling 2,915 injections. Samples were taken from the said lot of 2,915

			ampoules/injections; however, only five samples were drawn and sent to the forensic laboratory. It is further stressed that it is not clear from which boxes the samples were taken. It is also submitted that, as per the mandatory provisions of Section 52(1) of the NDPS Act, the grounds of arrest were not furnished to the Applicant. In the arrest memo, the column meant for recording the grounds of arrest has been left blank, which itself constitutes a major flaw. Further, it is contended that the inventory, which is required to be prepared in the prescribed Form No. 5, also suffers from a procedural defect. The inventory is required to be certified by a Magistrate; however, instead of certification, it merely bears the endorsement “seen,” indicating absence of proper certification. 6. It is further submitted that under Section 29 of the NDPS Act, the co-accused has already been granted bail on 15.04.2025. The Applicant has been in judicial custody since 16.04.2025 and has no previous conviction. The Applicant is stated to be an innocent person who has been falsely implicated in the present case. Accordingly, it is prayed that the Applicant be enlarged on bail. 7. Per contra, learned State Counsel has strongly opposed the bail application, submitting that the present matter relates to a huge recovery of commercial quantity of a scheduled drug, namely Diazepam, amounting to 2,915 ampoules/injections, which has been duly confirmed in the FSL report. It is contended that there are no grounds to suggest that the Applicant has been falsely implicated. It is further submitted that the Applicant has a criminal history involving three cases; hence, the Applicant does not deserve to be enlarged on bail. 8. After hearing learned counsel for the parties and upon perusal of the record, this Court finds that, at this stage, the grounds urged on behalf of the Applicant for grant of bail appear to be well-
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		founded. Firstly, there are apparent procedural irregularities regarding the sampling of the drug (Diazepam) allegedly recovered from the possession of the Applicant. Secondly, there is a defect in the inventory report as it has not been duly certified. Thirdly, it appears that the grounds of arrest were not communicated to the Applicant. Without expressing any opinion on the merits of the case, this Court is of the view that the Applicant has made out a case for grant of bail. 9. Accordingly, the Bail Application is allowed. 10. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 20.04.2026 Shiksha
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