

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010142162026  2026:UHC:7400 COURT'S OR JUDGE'S ORDERS
			<u>BA1/1399/2026</u> Brijpal --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Vinod Sharma, learned counsel with Mr. Kamlesh Budhlakoti, learned counsel for the applicant. 2. Mrs. Sweta Badola Dobhal, learned Brief Holder for the State. 3. The present applicant-Brijpal, S/o Shri Nihal Singh is praying for bail in reference to a first information report dated 01.03.2026 bearing FIR No.05 of 2026, P.S. Lakshmanjhula, District Pauri Garhwal wherein initially two persons, namely, Menpal and Rajkumar were implicated for the offences punishable under Section 8/20/29 read with Section 60 of NDPS Act and from them the contraband <i>charas</i> i.e. 1kg 4 gms. was recovered and both of them have been enlarged on bail by this Court on 09.07.2026 and by the Coordinate Bench on 06.05.2026. In the meantime, the applicant was arrested in Case Crime No.0021 of 2026 with the same nature of allegation wherein from the possession of one another person, namely, Chandra Pal commercial quantity of <i>charas</i> was recovered and in this case the applicant is already languishing in jail. 4. It is argued by learned counsel for the applicant that in the present case the applicant was not originally made an

		accused but after registration of FIR No.0021 of 2026 the applicant is further implicated in the present case and he is shown to be arrested on 19.07.2026. He submits that the present applicant is not involved in the present case on two grounds firstly there is no recovery from him and secondly he was implicated only because of the reason that he is an accused in FIR No.0021 of 2026. He submits that the alleged contraband, which is shown to be recovered is from the another co-accused, named above, therefore, the rider of Section 37 of the NDPS Act will not come into his way and so far as criminal antecedent is concerned, the criminal antecedent is of a subsequent case that too after registration of the present case, which was registered on the basis of the FIR dated 01.03.2026 bearing FIR No.05 of 2026. He submits that the present applicant is not directly connect with the incident of FIR dated 01.03.2026 and only disclosure of his name by the other two accused persons, who have been enlarged on bail, he has been implicated in the month of July, 2026. 5. On the other side Mrs. Sweta Badola Dobhal, learned Brief Holder for the State have fairly submits that in the present case though there is no recovery from the present applicant but he is implicated as per the statement of the other co-accused, who have now been enlarged on bail. She further submits that the applicant have a criminal antecedent of one case i.e. Case Crime No.0021 of 2026 and only thereafter it came into the knowledge of the Investigating Agency that the applicant is also involved in
--	--	--

		Case Crime No.05 of 2026. Apart from this, she has not disputed that other two co-accused persons from whose possession recovery of contraband is shown, have already been enlarged on bail. 6. After hearing the submissions of learned counsel for the parties and taking into consideration that the present applicant is implicated in the Case Crime No.05 of 2026 in which he is seeking bail, was implicated, later on, after registration of Case Crime No.0021 of 2026 and admittedly, there is no recovery from the present applicant and so far as other two co-accused persons are concerned from whose possession the contraband was recovered were already enlarged on bail, this Court is of the view that applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the present applicant-Brijpal 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 subject to the following conditions: “i. Applicant shall join the trial court proceeding on each and every date without seeking any unnecessary adjournment. ii. The applicant shall not indulge in any criminal activities in future and will not make any attempt to temper with the evidence.
--	--	--

			In breach of any such conditions as aforesaid, the prosecution is free to move an application for cancellation of bail. (Rakesh Thapliyal, J.) 18.08.2026 Arti
--	--	--	--