



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1428/2026</u> Anil Pal --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Nivesh Bahuguna and Mr. Yogesh Kumar, learned counsel for the applicant. 2. Mr. Tumul K. Nainwal and Mr. B.C. Joshi, learned A.G.A. along with Mr. Vijay Khanduri, learned Brief Holder for the State. 3. Applicant- Anil Pal, who is in judicial custody in connection with FIR/Case Crime No. 74 of 2026, under Sections 8/20 and 60 of the of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Muni-Ki-Reti, 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, on 30.06.2026, an F.I.R. came to be registered against the present applicant alleging that, during routine checking, the police team intercepted the applicant along with the co-accused. It is alleged that the co-accused was carrying a black backpack and, upon search of the said bag, a black, stick-shaped substance wrapped in a black polythene bag was recovered, which, according to the prosecution, was found to be Charas



		weighing 940 grams. It is thus alleged that the said contraband was recovered from the possession of the co-accused. 6. Learned counsel for the applicant would further submit that the applicant is innocent and has falsely been implicated in the present case; that, the applicant had visited Rishikesh for Ganga Darshan and thereafter intended to proceed towards Neelkanth; that, during routine checking, the police intercepted the motorcycle on which the applicant and the co-accused were travelling, whereupon a minor altercation took place between them and the police personnel; that, since the co-accused, who was accompanying the applicant, was unable to produce the requisite documents of the vehicle at the spot, the police, on account of the said altercation, falsely implicated the present applicant in the instant case. 7. Learned counsel for the applicant would further submit that the alleged recovery was made at a public place, yet no independent public witness has been associated with or examined in support of the alleged recovery; that, the prosecution case suffers from non-compliance with the mandatory safeguards contemplated under Section 50 of the N.D.P.S. Act. He would further submit that the alleged recovery of 940 grams of charas is below the commercial quantity prescribed under the N.D.P.S. Act and, therefore, the rigours of Section 37 of the N.D.P.S. Act are not attracted in the present case. 8. Learned counsel for the applicant would further submit that the applicant has no previous criminal history and that no contraband whatsoever has been recovered from his personal possession. It is contended that, even according to the
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		prosecution, the alleged contraband was in the form of sticks; however, neither the number of such sticks has been specified nor has the same been properly accounted for in the recovery proceedings, which creates a serious doubt regarding the manner and authenticity of the alleged recovery. It is thus submitted that the applicant cannot be connected with the alleged contraband merely on the basis of his presence along with the co-accused. 9. It is further submitted that the applicant is in judicial custody since 30.06.2026; that the investigation has substantially progressed and the trial is not likely to conclude in the near future. Considering the period of incarceration already undergone, the absence of any previous criminal history and the fact that no recovery has been effected from the applicant, learned counsel submits that the applicant deserves to be enlarged on bail. 10. Per contra, learned State counsel would vehemently oppose the prayer for bail; however, on the basis of instructions, he would submit that, having regard to the quantity of the alleged contraband, the restrictions contained in Section 37 of the N.D.P.S. Act are not attracted in the present case. 11. Having considered the rival submissions advanced by learned counsel for the parties and having regard to the facts and circumstances of the case, particularly the fact that the alleged recovery of 940 grams of Charas is stated to have been effected from the possession of the co-accused and no contraband has been recovered from the present applicant, coupled with the fact that the applicant has no previous criminal
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			history and has remained in judicial custody since 30.06.2026, 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. 12. 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 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. 13. 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. (Alok Mahra, J.) 25.08.2026
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