



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1768/2025</u> Mukesh Goswami Alias Mahesh --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Rahul Adhikari, learned counsel for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder for the State. 3. Present applicant-Mukesh Goswami @ Mahesh, S/o Pooran Goswami praying for bail in reference to first information report dated 14.07.2025 bearing FIR No.0050 of 2025 P.S. Kotwali, Bageshwar, District Bageshwar wherein the present applicant alongwith one Deepak @ Karan have been implicated for the offence punishable under Sections 8/20 read with Section 60 of the NDPS Act. 4. It is argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated and is languishing in jail since 14.07.2025 and he has no criminal antecedents and the recovery of the contraband, as shown, is planted one. He submits that there is a joint recovery from the possession of the present applicant and the other co-accused Deepak @ Karan, who has already been enlarged on bail by this Court on 17.06.2026 in First Bail Application No.1654 of 2025. He submits that while granting bail to the co-accused, this Court also dealt with the rider of Section 37 of the NDPS Act since the alleged contraband, which is shown to be recovered was commercial one i.e. 1.20 kg. <i>charas</i>. He also submits that the applicant is claiming parity



		of the other co-accused on the ground that it is a joint recovery and 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 since the inventory was certified by the Magistrate only by putting an endorsement of "seen", which itself shows that Magistrate has not applied its judicial mind while certifying the inventory. He further submits that since other co-accused has been enlarged on bail as he has fulfilled the twin conditions, as stipulated, under Section 37 of the NDPS Act and, therefore, the applicant also deserves for bail since he also fulfilled the twin condition as firstly the applicant has no criminal antecedents and secondly the inventory was not certified in the manner, as provided under the Rule. 5. On the other hand learned Brief Holder for the State has not disputed that the other co-accused Deepak @ Karan has already been enlarged on bail and there is a joint recovery, therefore, the applicant can be given the benefit of parity of other co-accused Deepak @ Karan. 6. After hearing the arguments of learned counsel for the parties and taking into consideration that co-accused Deepak @ Karan has already been enlarged on bail on 17.06.2026 and it is a joint recovery and while granting bail to the other co-accused the rider of Section 37 of the NDPS Act was also dealt with, therefore, 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.
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			8. Let the applicant-Mukesh Goswami @ Mahesh 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. 9. It is made clear that after being released on bail the applicant shall not take any unnecessary adjournment and shall join the trial court proceeding on each and every date. (Rakesh Thapliyal, J.) 02.07.2026 Arti
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