



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1974/2025</u> Sahajeb Alias Shanu --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Ms. Soniya Chawla, learned counsel for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder for the State. 3. Present applicant Sahajeb @ Shanu, S/o Late Suleman is praying for bail in reference to FIR dated 15.09.2025, bearing FIR No. 0318 of 2025, P.S. Haldwani District Nainital wherein present applicant along with one Mohd. Azhar have been implicated for the offences punishable under Sections 8/22/29/60 of the NDPS Act. 4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and the search and seizure of the prohibited drug is planted one and there is no substantial compliance of the NDPS Act. She submits that though, at the time of search and seizure the inventory was prepared but same is not certified in the prescribed format as provided under 2022 Rules, and the Magistrate concerned certified the inventory by putting an endorsement of seen only. She further submits that the present applicant has no criminal history and the alleged prohibited drug, so recovered, is commercial one and there is no substantial compliance of Section 52A of the NDPS Act, therefore, there are reasonable grounds that the applicant is not



		indulged in this offence. Apart from this she submits that since the applicant has no criminal history. Finally she concluded her arguments by submitting that since twin conditions as stipulated under Section 37 of NDPS Act are fulfilled, therefore, the applicant deserves for bail. She also submits that there is no substantial progress in the trial, since, as per the current status of the trial from March 2026 repeatedly the prosecution is seeking adjournment. 5. On the other side Mr. Khanduri, learned Brief Holder for the State submits that the prohibited drug which is recovered from the present applicant is commercial one, therefore, in terms of Section 37 of the NDPS Act, the applicant does not deserve for bail, however, he has not disputed that the applicant has no criminal antecedent and with regard to the certification of the Magistrate he submits that certification of inventory is by an endorsement of seen which is the subject matter of trial. 6. After hearing the arguments of the learned counsel for the parties and taking into consideration that the applicant is languishing in jail since 16.09.2025, having no criminal antecedent, and twin conditions as stipulated under Section 37 of the NDPS Act are fulfilled, this Court is of the view that the applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the applicant Sahajeb @ Shanu 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 if the applicant is found to be indulged in any such activities and will not
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			cooperate with the trial, the prosecution is free to proceed against the applicant for cancellation of bail. (Rakesh Thapliyal, J.) 30.07.2026 Parul
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