



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/2376/2025</u> Saklain --Applicant Versus State Of Uttarakhand --Respondent <u>BA1/2204/2025</u> Mohd. Kaif --Applicant Versus State Of Uttarakhand --Respondent <u>BA1/2413/2025</u> Mohd. Farman --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Karan Singh Dugtal, Mr. Harshpal Sekhon and Mrs. Sangeeta Adhikari Patni, learned counsel for the applicants. 2. Mr. Vijay Khanduri, learned Brief Holder for the State. 3. In all these three bail applications the applicants 'Saklain' S/o Abdul Khalid, Mohd. Kaif S/o Sartaj and Mohd. Farman S/o Aijaj Ahmad are praying for bail in reference to First Information Report dated 19.10.2025 bearing FIR No. 0222 of 2025 P.S. Lalkuwan District Nainital, wherein, all these applicants and one Harshit have been implicated for the offences punishable under sections 8/22/29 r/w section 60 of NDPS Act. 4. It is argued by the learned counsel for the applicants that all the applicants are innocent and



		has been falsely implicated and have no criminal antecedents and the alleged prohibited drugs, which is shown to be recovered, are commercial but the search and seizure is not as per the mandate of law and though at the time of search and seizure the inventory was prepared but the same was not certified by the Magistrate in the manner as provided under Rule 8 of 2022 Rules. 5. It is further argued that since the alleged contraband as shown is commercial one, therefore, the rider of section 37 of the NDPS Act will come in their way and in reference to this they submit that since in all these bail applications the objections have been filed, wherein, no satisfactory answer has been given with regard to the certification of the inventory which was certified by the Magistrate only by putting an endorsement of 'seen'. It is further argued that non certification of inventory in the manner as provided under Rule 8 of 2022 Rules itself reveals that there is no substantial compliance of section 52-A of the NDPS Act, therefore, there are reasonable grounds that the applicants are not guilty of the offence as alleged though non compliance of section 52-A is completely the subject matter of the trial but can be looked into while considering the bail application. 6. In addition to this, they also submit that all the applicants have no criminal antecedents and the specific averment has been made in the bail application and there is no denial to this effect in the counter affidavit. Finally, learned counsel for the applicant concluded their arguments by submitting that since now the twin conditions as stipulated under section 37 of NDPS Act are fulfilled, therefore, the applicant deserves for bail. 7. On the other side, learned Brief Holder vehemently oppose the bail application by submitting that since the alleged contraband is commercial one, therefore, in terms of section 37 of NDPS Act the applicants does not deserve for bail; however, he has not denied that the inventory was prepared at the time of search and seizure and the same was certified by the Magistrate by making an endorsement of 'seen' in
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			the inventory. He submits non-compliance of section 52-A of the NDPS Act is completely the subject matter of trial, however, he fairly submits that this aspect can be looked into while considering the bail application. In addition to this, learned Brief Holder have not disputed that the applicants have no criminal antecedents. 8. After hearing the submission of learned counsel for the parties and in view of the discussions as above since the twin conditions as stipulated under section 37 are fulfilled, therefore, the applicant deserves for bail. 9. Accordingly, without expressing any opinion on the merit of the case all the bail application is allowed. 10. Let the applicants 'Saklain', 'Mohd. Kaif' and 'Mohd Farman' be released on bail on furnishing their personal bond and two sureties each of the like amount to the satisfaction of the court concerned by each of them subject to the following conditions: - After being released on bail each of the applicants shall join the trial court proceeding on each and every date without seeking any unnecessary adjournment. - Each of the applicant shall surrender their passport, if any, within three days after being released on bail. - If the applicants are found to be indulged in any such activity in future the prosecution is directed to immediately move an application for cancellation of bail. (Rakesh Thapliyal, J.) 23.07.2026 PR
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