

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGE'S ORDERS 2026:UHC:4901
			BA1 No.2577 of 2024 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Lalit Sharma, learned counsel with Ms. Anmol Sandhu, learned counsel for the applicant. 2. Mr. Himsnshu Sain, learned AGA for the State. 3. Present bail application is filed by the applicant Mohd. Aarif, S/o Sri Hasmat Shah, praying for regular bail in reference to first information report dated 06.12.2024 bearing FIR No.504 of 2024, P.S. Bazpur, District Udham Singh Nagar wherein he has been implicated for the offences punishable under Section 8/22 of Narcotic Drugs and Psychotropic Substances Act. 4. It is argued by learned counsel for the applicant that the applicant is innocent and has falsely been implicated. The contraband drugs, which is shown to be recovered are planted one though shown to be commercial one. He submits that in fact the present applicant is licensee of a drug shop, which is in the name of her daughter. He submits that there is no substantial compliance of Section 52-A of N.D.P.S. Act and though the inventory was prepared but not certified strictly as per the procedure as laid down under Rule 8 of Narcotic Drugs and Psychotropic Substances (seizure, storage, sampling and disposal) of Rules 2022 (for short the Rules of 2022). It is argued that the inventory was not properly certified by the Magistrate and

		only by putting endorsement of seen learned Magistrate has certified the inventory. He further submits that the applicant is languishing in jail since 06.12.2024 and trial has already been commenced and taking into the long incarceration, the applicant be released on bail. In addition to this learned counsel for the applicant submits that applicant has no previous criminal antecedents. 5. Apart from that it is submitted that since the alleged prohibited drug, which is shown to be recovered from the applicant is commercial one, therefore, rider of Section 37 of NDPS Act will come into the way for which twin conditions as stipulated is required to be fulfilled. He submits that firstly the inventory was not certified by the Magistrate in the manner as provided under Rule 8 of the Rules of 2022. Since the Magistrate concerned while certifying the inventory only put endorsement of 'seen' apart from this he submits that the applicant has no previous history, therefore, if applicant is enlarged on bail, there is no such possibility that he will indulge in any such activity in future. 6. In a reference to Section 37 of NDPS Act, learned counsel for the applicant has placed reliance on the judgment of Hon'ble Apex Court in the case of Rabi Prakash vs. The State of Odisha passed in Special Leave to Appeal (Crl.) No.4169 of 2023 decided on 13.07.2023. He submits that long incarceration of the applicant is sufficient to fulfill one of the conditions in terms of Section 37 of the NDPS Act and furthermore the inventory was not certified in the manner as provided under Rule 8 of the Rules of 2022 and further more the applicant has no criminal antecedents. 7. On the other hand, learned AGA submits that the alleged prohibited drug which is
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		recovered from the applicant is commercial one, however he has not disputed that the present applicant is languishing in jail 06.12.2024 and he has no criminal antecedents. 8. After hearing learned counsel for the parties and taking into consideration that the applicant already suffered long incarceration as he is in jail since 06.12.2024 and furthermore he has no criminal antecedents, apart from this inventory prepared is not certified by the Magistrate in the manner as provided under Rule 8 of the Rules of 2022 though is not fatal to vitiate the trial as the same is subject matter of the trial, therefore, this Court is of the view that applicant deserves bail since twin conditions as stipulated under Section 37 of NDPS Act has been fulfilled. 9. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 10. Let the applicant- Mohd. Aarif, S/o Sri Hasmat Shah, be released on bail on his executing a personal bond and furnishing two reliable sureties each of the like amount to the satisfaction of the court concerned. (Rakesh Thapliyal, J.) 16.06.2026 Arti
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