IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE SRI JUSTICE ASHISH NAITHANI

15th November, 2025

FIRST BAIL APPLICATION NO. 943 of 2025

Kheem Singh ...Applicant

Versus

State of Uttarakhand ...Respondent

Counsel for the Applicant : Mr. D.C. S. Rawat, Advocate through V.C.

Counsel for the State : Mr. Vikash Uniyal, Brief Holder.

Hon'ble Ashish Naithani, J.

The present Bail Application has been moved by the Applicant – Kheem Singh, aged about 25 years, S/o Shri Bhagat Singh, R/o Village Nahalgaur, Post Ghughti, Tehsil Syalde, District Almora. The Applicant is in judicial custody in connection with FIR/Case Crime No. 06/2025, dated 11.02.2025, registered at Police Station Deghat, District Almora, for the offences punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard.

3. Mr. D.C.S. Rawat, learned counsel for the Applicant, and Mr. Vikash Uniyal, learned Brief Holder for the State, have been heard and the record has been perused.

4. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present matter and that the recovery shown is nothing but a planted and fabricated one. It is argued that there is no cogent, credible or independent material to connect the Applicant with the alleged offence. It is further submitted that the alleged recovery is

vitiated due to manifest non-compliance with the mandatory provisions of Section 50 of the NDPS Act, inasmuch as the Applicant/accused was neither informed of his legal right to be searched in the presence of a Magistrate or a Gazetted Officer, nor was such an officer present at the time of the alleged recovery. The Applicant undertakes to abide by all terms and conditions that may be imposed by this Court.

5. Per contra, learned Brief Holder for the State opposed the bail application and submitted that the investigation of the case is still in progress. It is argued that if the Applicant is released on bail at this stage, there is a likelihood of his absconding or fleeing from justice. Accordingly, the bail application is vehemently opposed and is submitted to be liable for rejection.

6. Considering the overall facts and circumstances of the case, the nature of evidence collected so far, the submission regarding the absence of any independent witness, and without expressing any opinion on the merits of the case at this stage, this Court is of the considered view that the Applicant has made out a case for grant of bail.

7. Accordingly, the Bail Application is allowed.

8. Let the Applicant be released on bail in the aforesaid case crime number, on his executing a personal bond and furnishing two reliable sureties of the like amount, to the satisfaction of the Court concerned. The Applicant shall strictly comply with all conditions of bail and shall not misuse the liberty granted to him.

9. All pending applications, if any, stand disposed of.

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ASHISH NAITHANI, J.

Dt: 15.11.2025

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SHASHA BINJOLA