



2025:UHC:9215

IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

First Bail Application No.1335 of 2025

15th October, 2025

Mohammed Shami

--Applicant

Versus

State Of Uttarakhand

--Respondent

Presence:-

Mr. Sandeep Adhikari, learned legal aid counsel for the applicant
through V.C.

Mr. Dinesh Chauhan, learned AGA for the State.

Hon'ble Alok Mahra, J.

Applicant Mohammed Shami, who is in judicial custody in Case Crime/FIR No.66 of 2025, under Sections 8/22/29 of NDPS Act, registered at P. S./Thana Lalkua, District Nainital, has sought his release on bail.

2. Heard learned counsel for the parties and perused the material available on record.

3. As per the prosecution case, Sub-Inspector Shankar Nayal, along with other police personnel, was on duty for maintaining law and order and checking suspicious persons. During checking of passengers in a government roadways bus bearing registration number



UK06PA1371, one Mohammad Sameer, son of Mohammad Shafi, resident of Indira Nagar, P.S. Balbalpura, District Nainital, was found carrying a black bag. On search, 20 vials of Buprenorphine Injection I.P. (3 ml) and 20 vials of Pheniramin Maleate (Avil) Injection (10 ml), both narcotic/psychotropic in nature, were recovered from his possession. Consequently, he was taken into custody, and a recovery memo was prepared on the spot, followed by registration of the present case at the concerned police station.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that the applicant has been in custody since 10.03.2025 and that the alleged recovery was made from a government bus, which is a public place; therefore, there has been non-compliance with Section 43 of the NDPS Act. He has further argued that, as per the FIR, the applicant was arrested on 09.03.2025 while the FIR was registered the next day, i.e., on 10.03.2025, yet the FIR number is mentioned in the arrest memo, which casts serious doubt on the genuineness of the recovery proceedings.

5. Per contra, learned counsel for the State has



opposed the bail application and submitted that the applicant has a previous criminal history and has also been charge-sheeted in another case under the NDPS Act.

6. Considering the totality of the facts and circumstances of the case, the nature of allegations, the alleged discrepancies regarding the FIR and arrest memo, and the fact that the contraband was recovered from a public place, this Court is of the view that, without expressing any opinion on the merits of the case, the applicant is entitled to be enlarged on bail.

7. The bail application is thus, allowed and the applicant is directed to 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 with the following conditions:

I) He shall attend the Trial Court regularly, and, he will not seek any unnecessary adjournment.

II) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this



III) He shall not leave India without any prior permission of the Trial Court.

8. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the complainant/informant will be free to move the court for cancellation of bail.

(Alok Mahra, J.)
15.10.2025

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