2025:UHC:9699

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

03rd NOVEMBER, 2025

FIRST BAIL APPLICATION NO. 1952 OF 2025

Rameshwar ..... Applicant

Versus

State of Uttarakhand .....Respondent

Counsel for the Applicant	:	Mr. Basant Singh, Advocate.
Counsel for the Respondent	:	Mr. Tumul Nainwal, Assistant Government Advocate assisted by Mr. Chitrarth Kandpal, Brief Holder.

Hon'ble Alok Kumar Verma,J.

The applicant – Rameshwar is in judicial custody for the offence punishable under Section 8 read with Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "Act, 1985") in Case Crime No.262 of 2025, registered at Police Station Gadarpur, District Udham Singh Nagar.

2. According to the First Information Report, on suspicion, the applicant was apprehended by the police on 13.09.2025. He was searched. The police recovered 405 gm. charas from a polythene, which was kept in his pocket. He was arrested.

3. Heard Mr. Basant Singh, learned counsel for the applicant and Mr. Tumul Nainwal, learned Assistant Government Advocate for respondent.

4. Mr. Basant Singh, Advocate, for the applicant submitted that the applicant is an innocent person. The

alleged charas was not recovered from the possession of the applicant. The said recovery is false. There was no independent witness at the time of the alleged recovery from the possession of the applicant. This fact also makes the story of the police doubtful. The mandatory provision of Section 50 of the Act, 1985 was not followed. Applicant is not a convicted person. He is a permanent resident of District Bareilly, Uttar Pradesh, therefore, there is no possibility of his absconding, and, the alleged recovered charas is less than commercial quantity.

5. Mr. Tumul Nainwal, Assistant Government Advocate, has opposed the bail application orally.

6. As per Table prepared in terms of Section 2 (xxiii-a) and Section 2 (vii-a) of the Act, 1985, 100 gm. of charas is small quantity and greater than 1 kg. is commercial quantity (Entry No.23).

7. The object of keeping the accused in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Bail Application is allowed.

10. Let the applicant – Rameshwar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

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ALOK KUMAR VERMA, J.

Dt: 03.11.2025
Pant/