SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/483/2026 Mohd Shahwaz --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Ananya Thapliyal, learned counsel (through video conferencing) and Ms. Suraiya Naaz, learned counsel for the applicant. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand. 2. The present bail application has been moved by the applicant, who is in judicial custody in connection with FIR No. 89 of 2026, registered at Police Station Kichha, District Udham Singh Nagar, for the offences punishable under Sections 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the "NDPS Act"). 3. Heard learned counsel for the applicant and learned State Counsel and perused the material available on record. 4. As per the prosecution story, the applicant was apprehended with 2,310 grams of Tramadol. Apart from the aforesaid contraband, an amount of ₹5,000/- was also recovered from the applicant. 5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that the mandatory provisions of Section 50 of the NDPS Act have not been complied with, inasmuch as the applicant was not apprised of his legal right to be searched before a Gazetted Officer or a Magistrate. It is further submitted that the

			State has also not disputed the factum of non-compliance with the provisions of Section 50 of the NDPS Act. 6. It is further contended that the inventory was not certified in accordance with the applicable provisions of the NDPS Act and the NDPS Rules, 2022. Learned counsel also points out that the inventory and arrest memo were prepared at the spot, whereas the FIR was registered after a lapse of more than four hours; however, both the inventory and the arrest memo bear the FIR number, which raises a serious doubt regarding the manner and time of preparation of these documents. It is also submitted that the applicant is a student pursuing graduation, has no criminal antecedents and has been in judicial custody since 09.03.2026. 7. Per contra, learned State Counsel has opposed the prayer for grant of bail. 8. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the inventory and arrest memo bear the FIR number, despite the fact that, as per the prosecution version, these documents were prepared at the spot prior to registration of the FIR. This circumstance raises a question which requires consideration during the course of trial. Moreover, the applicant is a student pursuing graduation and has no criminal antecedents. 9. Having regard to the overall facts and circumstances of the case, particularly the nature of the allegations, the circumstances surrounding the preparation of the recovery documents and the absence of criminal antecedents, this Court is of the considered view that the applicant has made out a case for grant of bail. 10. Accordingly, without expressing any opinion on the merits of the case, this Court is inclined to enlarge the applicant

on bail. The bail application is, accordingly, allowed.

11. Let the applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

(i) The applicant shall regularly attend the proceedings before the learned trial court and shall not seek any unnecessary adjournment.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the Court or to any police officer.

(iii) The applicant shall not leave India without prior permission of the learned trial court.

12. It is clarified that, in the event of misuse of the liberty of bail or violation of any of the conditions imposed hereinabove, the complainant/informant shall be at liberty to move an appropriate application before the competent court seeking cancellation of the applicant's bail.

(Alok Mahra, J.)
05-11-2026

SHIKHA SINGHA