SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/608/2026 Mohd Imran --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Yuvraj Jaiswal, Mr. Aryan Jaiswal, Mr. Sandeep Kumar and Mr. Rohit Palariya, Advocates for the applicant. Mr. Rakesh Kumar Joshi, A.G.A. for the State of Uttarakhand. 2. This first bail application has been moved by the applicant seeking regular bail in F.I.R./Case Crime No.168 of 2025, under Section 3(5), 61(2), 305(E), 317(2), 317(4), 317(5), 324(3), 324(5) of B.N.S., 2023 and Section 3(2)(a) of Prevention of Damage to Public Property Act and Section 136, 137 of Electricity Act, registered at Police Station Khatima , District Udham Singh Nagar. 3. The case of the prosecution, in brief, is that the lineman informed the police regarding the theft of 11 K.V. A.B. Cable. During the course of investigation, it was revealed that approximately 450 metres of the said cable had been stolen. It is further alleged that the co-accused, namely, Gulshad, from whose possession the stolen cable was allegedly recovered, disclosed the name of the applicant as one of the accused persons. 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been

			languishing in judicial custody since 29.03.2026. He further submits that no recovery of the alleged stolen cable or any other incriminating article has been effected from the possession or at the instance of the applicant. It is contended that the applicant has been implicated solely on the basis of the statement made by co-accused Gulshad, which, by itself, does not constitute substantive evidence against the applicant. Learned counsel further draws the attention of the Court to the counter affidavit filed on behalf of the State, wherein it has also been admitted that no recovery has been made from the applicant. He further submits that the co-accused, namely, Gulshad, from whose possession the alleged stolen cable was recovered, has already been enlarged on bail by learned Sessions Judge, Udham Singh Nagar. It is, therefore, contended that the applicant deserves to be enlarged on bail. 5. Per contra, learned State Counsel has vehemently opposed the prayer for bail; however, the factum of non-recovery of the alleged stolen cable from the applicant, as stated in the counter affidavit, is not disputed. 6. 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 applicant has been in judicial custody since 29.03.2026. Admittedly, no recovery of the alleged stolen cable has been made from the possession or at the instance of the applicant. His implication in the present case appears to be primarily based upon the disclosure made by co-accused Gulshad, from whose possession the alleged stolen cable was recovered. It is also relevant to note that the said co-accused, from whom the alleged stolen property was recovered, has already been granted bail by the learned Sessions Judge, Udham Singh Nagar. Thus, considering the nature of the allegations, the absence of any recovery from the applicant,

			the material forming the basis of his implication, this Court is of the view that further incarceration of the applicant is not warranted at this stage. 7. Accordingly, without expressing any opinion as to the final merits of the case, this Court is of the view that applicant deserves bail at this stage. 8. The bail application is allowed. 9. Let the applicant be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned. **(Alok Mahra, J.)** 03.11.2026 *Arpan* ARPAN JAISWAL Digitally signed by ARPAN JAISWAL DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=eabb68a3895e41937c266c23964c0485365445e3a20dd4b7593398f9fe45ba3e, postalCode=263001, st=UTTARAKHAND, serialNumber=060FC17022BEA3DE21SD68D9D454C5109CB987446351E4DF94AA0AA3CCEA66, cn=ARPAN JAISWAL Date: 2026.11.03 19:35:34 +05'30'