SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/776/2026 Dilshad --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Ms. Sheetal Selwal, learned counsel for the applicant. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 2. The present bail application has been filed by the applicant, who is in judicial custody in connection with FIR No. 053 of 2026, registered at Police Station Kathgodam, District Haldwani, for the offence 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 record. 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been shown to have been arrested with 54.80 grams of alleged smack. It is further submitted that the mandatory requirements of Section 50 of the NDPS Act have not been complied with, which is evident from the FIR itself, wherein it has been mentioned that the applicant was informed of the option of being searched before a Magistrate, a Gazetted Officer or a police officer. Learned counsel contends that there are only two permissible options under Section 50 of the NDPS Act, namely, to be searched before a Gazetted Officer or a Magistrate, and there is no third option of being searched before a police officer. In support of her contention, learned counsel has placed reliance upon the

judgment of the Hon'ble Supreme Court in *State of Himachal Pradesh v. Surat Singh*, 2026 SCC OnLine SC 376, wherein the Hon'ble Apex Court has held that there is no third option of being searched before a police officer and that the person to be searched must be given the option of being searched before either a Magistrate or a Gazetted Officer. Besides this, it is submitted that the applicant has no criminal antecedents and the alleged contraband is below commercial quantity.

5. Per contra, learned State Counsel has opposed the prayer for grant of bail.

6. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court is of the 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 upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

9. It is made clear that the observations made hereinabove are confined to the adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

10. All pending applications, if any, stand disposed of accordingly.

(Alok Mahra, J.)
31-10-2026