SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1078/2026 Harpreet Singh --Applicant **Versus** State Of Uttarakhand --Respondent With **BA1/1241/2026** Gurdayal Singh and Another --Applicants **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. S.R.S. Gill and Mr. Milind Raj, learned counsel in BA1 No.1078 of 2026 and Mr. Piyush Sammal and Sarita Bisht, learned counsel in BA1 No.1241 of 2026 for the applicants. 2. Mr. Deepak Bisht, learned Deputy A.G. along with Mr. Chitrarth Kandpal, Brief Holder for the State. 3. Since both the bail applications arise out of the same F.I.R. and the applicants are accused of the same offences, both applications are being heard and decided together. 4. Applicants Harpeet Singh, Gurdayal Singh and Hardayal Singh, who are in judicial custody in

			connection with F.I.R./Case Crime No. 12 of 2026, registered under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhatrauchkhan, District Almora, have sought their release on bail. 5. Heard learned counsel for the parties and perused the material available on record. 6. Learned counsel for the applicants would submit that, as per the prosecution case, during routine checking, the police intercepted a Maruti Swift Dzire car in which four persons, including the present applicants, were travelling and upon search, two bags containing 12.500 kilograms and 15.500 kilograms of suspecting ganja, respectively, totalling 28 kilograms, were recovered from the dickey of the car. It is alleged that the contraband was being transported jointly by the applicants. 7. Learned counsel for the applicants would submit that the applicants are innocent and have been falsely implicated in the present case. He would further submit that no contraband was recovered from the personal possession of the applicants and that the alleged recovery was effected from two bags found in the dickey of a vehicle occupied by four persons; that, the question of conscious

			possession and the applicants' connection with the alleged contraband, according to learned counsel, is a matter of trial and remains to be established by cogent evidence. 8. Learned counsel for the applicants would further submit that, as per Section 2(iii)(b) of the N.D.P.S. Act, ganja means the flowering or fruiting tops of the cannabis plant, excluding the seeds and leaves when not accompanied by the tops, by whatever name they may be called or designated. He would submit that the commercial quantity of ganja prescribed under the said Act is 20 kilograms, whereas, in the present case, the alleged recovery of 28 kilograms of ganja is stated to have been made jointly from two bags found in the dickey of the car. 9. Learned counsel for the applicants would further submit that the applicants have been implicated merely on account of their alleged presence in the vehicle and that the prosecution has not established their conscious possession of the alleged contraband. He would also submit that no independent witness was associated with the alleged recovery. Further, the recovery memo and arrest memo are stated to have been prepared at the spot at 14:10 hours, whereas the F.I.R. was registered at 19:43 hours, however,

			both documents bear the F.I.R. number, which, according to learned counsel, creates doubt regarding the prosecution case. 10. Learned counsel for the applicants would further submit that the mandatory provisions of the N.D.P.S. Act have not been complied with; that the applicants are in judicial custody since 06.06.2026; that, they have no previous criminal history; and that the trial is not likely to conclude in the near future. He, therefore, submits that the applicants deserve to be enlarged on bail. 11. Per contra, learned State counsel would vehemently oppose the prayer for bail, however, he does not dispute that the applicants are in judicial custody since 06.06.2026 and have no previous criminal history under the N.D.P.S. Act. Learned State counsel, on instructions, fairly concedes that no corresponding G.D. entry is presently available on record to explain the mention of the F.I.R. number in the documents which, according to the prosecution, were prepared prior to the registration of the F.I.R. 12. Having considered the submissions advanced by learned counsel for the parties, the nature of the allegations, the circumstances surrounding the alleged recovery, the contentions regarding conscious possession, and the period of

incarceration undergone by them, this Court is of the view that the applicants have made out a case for bail.

13. Accordingly, without expressing any opinion on the merits of the case, both the bail applications are allowed on the following conditions:-

(a) The applicants shall execute a personal bond and furnish two reliable sureties in the like amount to the satisfaction of the trial court.

(b) The applicants shall not leave the country without prior permission of the court.

(c) The applicants shall appear before the investigating officer as and when required and cooperate with the investigation.

(d) The applicants shall not tamper with evidence or witnesses, either directly or indirectly and shall not indulge in any criminal activity while on bail.

(e) The applicants shall surrender their passport, if any, to the court or to the investigating agency, to preclude risk of absconding.

14. The bail granted to the applicants shall be liable to be cancelled in the event of any violation of the aforesaid conditions or if the applicants are found to have misused the liberty granted to them.

Mamta

MA MTA RANI

Digitally signed by MAMTA RANI
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(Alok Mahra J.)
26.10.2026