SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1151/2026 Seeta Ram --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Piyush Sammal and Ms. Sarita Bisht, learned counsel for the applicant. Mr. Manoj Bhatt, learned Brief Holder 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. 0075 of 2026, registered at Police Station Kathgodam, District Nainital, for the offences punishable under Sections 8, 21 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). 3. Heard learned counsel for the applicant and learned State Counsel and perused the record. 4. As per the prosecution case, on 04.06.2026, the complainant, along with accompanying police personnel, was conducting routine checking. During checking near a petrol pump, a white car was seen approaching and was signalled to stop. The driver attempted to divert the car into a narrow lane; however, as other cars were parked in the lane, he could not proceed further. Upon checking the vehicle, two brown-coloured packets were allegedly found beneath the seat and beside the driver's seat. On weighing, the packets were found to contain 307 grams and 311 grams of the substance suspected to be smack, as tested with a local testing kit. 5. Learned counsel for the applicant submits that no sample was drawn or

			sealed at the spot by the Investigating Officer, although the preparation of the inventory is mentioned in the recovery memo. It is further submitted that the applicant and the co-accused were arrested at 8:30 a.m., whereas the FIR was registered after a delay of approximately four hours. However, the inventory bears the FIR number, which raises a question regarding the circumstances in which the inventory was prepared. Learned counsel further submits that, at the time of the first remand on 05.06.2026, the entire quantity of the alleged contraband was forwarded to the Forensic Science Laboratory (FSL) without drawing any sample from the substance allegedly recovered from the applicant. It is contended that, at the time of the subsequent remand on 08.06.2026, the entire consignment had been returned by the laboratory with an objection. On this basis, learned counsel submits that no sample of the alleged contraband was drawn for forensic examination and that the procedure relating to the drawing and transmission of samples has not been duly followed. It is also submitted that the applicant has no criminal antecedents. 6. Per contra, learned State Counsel has opposed the bail application. 7. Having heard learned counsel for the parties and upon perusal of the material available on record, particularly the documents relating to the first remand, it appears that the entire quantity of the alleged contraband recovered from the applicant was forwarded to the Forensic Science Laboratory without drawing a sample for forensic examination. The material on record further indicates that the consignment was subsequently returned by the laboratory with an objection. If these circumstances are established, they may have a material bearing on the prosecution case,

			particularly with regard to the sampling procedure and the evidentiary value of the alleged recovery. Having regard to these aspects, as well as the submission that the applicant has no criminal antecedents, this Court is of the view that the applicant has made out a case for grant of bail. 8. Accordingly, the bail application is allowed. 9. 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. 10. 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. 11. All pending applications, if any, stand disposed of accordingly. **(Alok Mahra, J.)** 29-10-2026 SB