SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1197/2026 Ankush --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Gaurav Singh, learned counsel for the applicant through Video Conferencing. 2. Mr. Akshay Latwal and Mr. Prabhat Kandpal, learned Deputy A.G. and Mr. Manoj Bhatt, learned Brief Holder for the State. 3. Applicant- Ankush, who is in judicial custody in connection with FIR/Case Crime No. 131 of 2026 under Sections 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kaliyar, District Haridwar, has sought his release on bail. 4. Heard learned counsel for the parties and perused the material available on record. 5. Learned counsel for the applicant would submit that, as per the prosecution case, the police party, during routine checking, apprehended the present applicant and allegedly recovered 18.50 grams of smack from the polythene which was carrying by the applicant; that, on the basis of the

			alleged recovery, the present F.I.R. was lodged against the applicant. 6. Learned counsel for the applicant would further submit that the applicant is innocent and has falsely been implicated in the present case; that, no independent public witness was associated with the alleged recovery; that, the mandatory provisions of Section 50 of the N.D.P.S. Act have not been duly complied with. In this regard, he would contend that the applicant was first searched by the police officials and was thereafter asked whether he wished to be searched before a Gazetted Officer or a Magistrate, which he declined. It is, therefore, contended that the procedure adopted by the police raises questions regarding compliance with the statutory safeguards prescribed under the aforesaid provision. 7. Learned counsel would further submit that the statutory requirements governing search, seizure and arrest under Sections 42, 43 and 50 of the N.D.P.S. Act have not been complied with in accordance with law. He would also submit that the alleged quantity of contraband recovered from the applicant is less than the commercial quantity; that, the applicant is in judicial custody since 21.06.2026; that, he has no previous criminal history under the N.D.P.S. Act; and that the trial is not likely to conclude in the near future; that, on these grounds, learned counsel submits that the applicant deserves to be enlarged on bail.

			8. Per contra, learned State counsel would vehemently oppose the prayer for bail, contending that the alleged recovery was effected pursuant to a chance recovery and that the relevant provisions of the N.D.P.S. Act have been duly complied with. However, learned State counsel does not dispute that the applicant has been in judicial custody since 21.06.2026 and has no previous criminal history under the N.D.P.S. Act. 9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court has considered the nature of the allegations, the quantity of the alleged contraband, the circumstances surrounding the alleged recovery, the period of incarceration undergone by the applicant, and the fact that he has no previous criminal history under the N.D.P.S. Act. The submissions regarding compliance with the statutory provisions governing search and seizure shall be examined at the appropriate stage of the proceedings. Having regard to the facts and circumstances of the case, this Court is of the view that the applicant has made out a case for grant of bail. 10. Accordingly, the bail application is allowed on the following conditions:- (a) The applicant shall execute a personal bond and furnish two reliable sureties in the like amount to the satisfaction of the trial court. (b) The applicant shall not leave the country without prior permission of the court.

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

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

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

11. The bail granted to the applicant shall be liable to be cancelled in the event of any violation of the aforesaid conditions or if the applicant is found to have misused the liberty granted to him.

(Alok Mahra J.)
30.10.2026

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