SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1285/2026 Akhtar Hussain --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Amar Murti Shukla and Mr. Rohit Kumar Gaur, learned counsel for the applicant. 2. Mr. Chitrarth Kandpal, Brief Holder for the State. 3. Applicant- Akhtar Hussain, who is in judicial custody in connection with FIR/Case Crime No. 24 of 2026 under Sections 8/20/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhimtal, District Nainital, 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 applicant was driving a Bolero pickup vehicle, in which co-passenger Bachchi Ram was sitting beside the driver; that, Upon noticing the police, Bachchi Ram allegedly fled from the spot, whereas the applicant was apprehended; that,

			during the search, two bags were allegedly recovered, one of which contained 2.683 kilograms of charas. It is further alleged that the applicant disclosed that the contraband belonged to Bachchi Ram, who had been given a lift by the applicant in his Bolero pickup vehicle. 6. Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case; that, the applicant had merely given a lift to Bachchi Ram, who fled from the spot, and that the applicant had no knowledge of the contraband allegedly kept in the vehicle. He would contend that the alleged contraband was recovered from a bag lying near the footrest of the front passenger seat of the Bolero pickup vehicle and not from the conscious possession of the applicant. It is further contended that the contraband allegedly belonged to Bachchi Ram and that mere presence of the contraband in the vehicle, in the absence of knowledge thereof, would not, by itself, establish conscious possession on the part of the applicant. 7. Learned counsel would further submit that the mandatory provisions of the N.D.P.S. Act have not been complied with and that no independent witness was associated with the alleged recovery. He would contend that the applicant has been implicated merely on the basis of suspicion and an alleged disclosure statement recorded by the police, which, in itself, is

			inadmissible in evidence to the extent barred by law. 8. Learned counsel would further submit that the applicant is in judicial custody since 18.06.2026; 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. He, therefore, submits that the applicant deserves to be enlarged on bail. 9. Per contra, learned State counsel would vehemently oppose the prayer for bail. However, he does not dispute that the applicant is in judicial custody since 18.06.2026 and has no previous criminal history under the N.D.P.S. Act 10. Having considered the submissions advanced by learned counsel for the parties, the nature of the allegations, the circumstances surrounding the alleged recovery, the contention regarding conscious possession of the contraband, and the period of incarceration undergone by the applicant, this Court is of the view that the applicant has made out a case for bail. 11. Accordingly, without expressing any opinion on the merits of the case, 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.

12. 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.)

26.10.2026

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Digitally signed by MAMTA RANI
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