SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1356/2026 Ram Singh Danu --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Karan Singh Dugtal, Advocate for the applicant. Mr. Manoj Bhatt, Brief Holder for the State of Uttarakhand. 2. This first bail application has been moved by the applicant seeking regular bail in F.I.R./Case Crime No.0087 of 2026, under Section 8/20/29/60 of N.D.P.S. Act, registered at Police Station Lalkuan, District Nainital. 3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been languishing in judicial custody since 13.06.2026. He further submits that the alleged recovery was made pursuant to a search of the applicant's personal car; however, there has been complete non-compliance with the mandatory provisions of Section 42 of the N.D.P.S. Act. It is contended that the alleged recovery and the manner in which the search and seizure proceedings were conducted raise serious questions regarding compliance with the statutory safeguards prescribed under the Act. Learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in Narcotics Control Bureau vs. Kashif, reported in (2024) 11 SCC 372, wherein the Hon'ble Supreme Court has observed that procedural irregularities and non-compliance with the mandatory provisions of the N.D.P.S. Act are relevant considerations while adjudicating applications for bail. It is further submitted that, notwithstanding the stringent conditions prescribed under Section 37 of the N.D.P.S. Act, the Court is required to examine whether the alleged procedural lapses have a bearing upon the prosecution case. Learned counsel further submits that, in the event of being enlarged on bail, the applicant shall neither misuse the liberty granted to him nor influence or intimidate any witness and shall abide by all the conditions imposed by this Court. 4. Per contra, learned State Counsel has vehemently opposed the bail application. However, he fairly submits that the alleged recovery is a case of sudden recovery and that compliance with the provisions of Section 42 of the

N.D.P.S. Act has not been made.

5. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the applicant has been in judicial custody since 14.06.2026. The alleged recovery of 1.022 grams of Charas is stated to have been made pursuant to a search of the applicant's personal car. Hon'ble Supreme Court in Narcotics Control Bureau vs. Kashif (supra) has emphasized that while considering a bail application under the N.D.P.S. Act, the Court cannot remain oblivious to procedural infirmities which may have a bearing upon the prosecution case. The rigours of Section 37 of the N.D.P.S. Act, though stringent, do not dispense with the obligation of the Court to examine the nature of the alleged procedural lapses and their implications.

6. In the present case, having regard to the nature of the alleged recovery, the apparent non-compliance with the statutory safeguards, the period of incarceration already undergone by the applicant and the fact that the matter is yet to be adjudicated on the basis of evidence during trial, this Court finds that the applicant has made out a case for grant of bail at this stage.

7. Accordingly, without expressing any opinion as to the final merits of the case, this Court is of the view that applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned, subject to the following conditions:

(i) The applicant shall attend the trial Court regularly, and, he will not seek any unnecessary adjournment.
(ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.
(iii) The applicant shall not leave India without any prior permission of the trial Court.

It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the complainant/ informant will be free to move the court for cancellation of bail.

(Alok Mahra, J.)
02.11.2026

Arpan

ARPAN JAISWAL

Digitally signed by ARPAN JAISWAL
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