SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1520/2026 Shaban --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Saurabh Kumar Pandey, Advocate for the applicant. Mr. Chitrarth Kandpal, 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.0048 of 2026, under Section 8/21 of N.D.P.S. Act, registered at Police Station Buggawala, District Haridwar. 3. The case of the prosecution is that applicant was apprehended by the police party, and from his possession, 18.10 gms. of *Smack* was allegedly recovered. 4. It is contended by learned Senior Counsel for the applicant that applicant has falsely been implicated in the instant crime and is languishing in jail since 02.08.2026. He submits that the alleged contraband is below the commercial quantity. He further submits that a bare perusal of the F.I.R. reveals that the inventory report and arrest memo was purportedly prepared on the spot. It is argued that the inventory report and arrest memo bear the F.I.R./Case Crime number. Hence, at the time of preparation of inventory report and arrest memo, the F.I.R./Case Crime number was not in existence, which renders the prosecution

			version doubtful. Learned counsel for the applicant has placed reliance on the judgment of the Hon'ble Supreme Court in Narcotics Control Bureau Vs. Kashif, reported in (2024) 11 SCC 372, wherein it has been held that procedural irregularities and non-compliance with mandatory provisions under the N.D.P.S. Act are material considerations while adjudicating bail applications. It was further held that although Section 37 of the Act prescribes stringent twin conditions for the grant of bail, the Court is nonetheless required to examine whether serious procedural lapses exist which may undermine the credibility of the prosecution case. He submits that co-accused, Nadeem has already been granted bail by this Court on 17.11.2026 in BA1 No.1548 of 2026. Learned counsel for the applicant submits that in case, the applicant is granted bail, he will not misuse the same and will furnish the bail surety as per the satisfaction of this Court. 5. Learned State Counsel vehemently opposed the bail application. 6. Considering the submissions of learned counsel for the parties and the material on record, this Court finds that the applicant is in custody since 02.08.2026. Prima facie, there appear arguable procedural irregularities in the prosecution case, inasmuch as, the inventory report as well as arrest memo allegedly prepared prior to registration of the F.I.R. bear the F.I.R./Case Crime number, which creates doubt requiring scrutiny during trial. In view of the law laid down in Narcotics Control Bureau vs. Kashif (Supra), such lapses are relevant for considering bail even under the rigours of Section 37 of the N.D.P.S. Act. 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, she 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.)** 23.11.2026 *Arpan* ARPAN JAISWAL Digitally signed by ARPAN JAISWAL DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=eabb6da389fe41937c266c2396fe048536544 5e3a20dddb7393398ff9fe45ba3e, postalCode=263001, st=UTTARAKHAND, serialNumber=060FC17022BEAE3DE215D6BD9D454C5105CB9B3446351E4D9D4AADAA2C2CEA66, cn=ARPAN JAISWAL Date: 2026.11.23 18:08:55 +05'30'