SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1538/2026 Aman Khan --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Tapan Singh, Advocate, holding brief of Mr. Sanjay Kumar Chandel, 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.0510 of 2021, under Section 8/22 of N.D.P.S. Act, registered at Police Station Kashipur, District Udham Singh Nagar. 3. The case of the prosecution is that applicant was apprehended by the police party, and from his possession, 5.4 gms. of *Smack* was allegedly recovered. 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and is languishing in judicial custody since 30.05.2025. He further submits that the applicant has no criminal antecedents. It is contended that the applicant was earlier enlarged on bail by learned Special Judge (N.D.P.S.) vide order dated 08.04.2022; however, being a labourer, he had gone in search of work and, on account of his

			inability to appear before the trial Court, non-bailable warrants came to be issued against him, pursuant to which he was arrested on 30.05.2025. Learned counsel further submits that the applicant is an HIV-positive patient and his absence before the trial Court was neither deliberate nor intentional, nor was there any intention on his part to evade the course of trial. It is further submitted that the applicant undertakes to remain present before the trial Court on each and every date fixed and shall not misuse the liberty of bail, if granted. He is also ready to furnish reliable sureties to the satisfaction of the Court concerned. 5. Per contra, learned State Counsel has vehemently opposed the prayer for bail. 6. 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 30.05.2025. The alleged recovery of contraband is 5.4 grams of smack. It is also contended on behalf of the applicant that he has no criminal antecedents and is suffering from HIV infection. Further, the applicant had earlier been enlarged on bail by the learned Special Judge (N.D.P.S.), but subsequently failed to appear before the trial Court, allegedly on account of his having gone in search of livelihood. Although his non-appearance resulted in the issuance of non-bailable warrants, the explanation furnished on his behalf, particularly in the backdrop of his socio-economic circumstances, cannot be altogether ignored at this stage. The applicant has now remained in custody for a considerable period pursuant to his

			arrest. 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.)** 23.11.2026 *Arpan*

ARPAN JAISWAL
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