SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010165392026 **SPLA/219/2026** ***Order Reserved on: 30.09.2026*** ***Order Delivered on: 04.11.2026*** State Of Uttarakhand --Petitioner **Versus** Alok Bist --Respondent With **GA/129/2026** **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Pratiroop Pandey, learned AGA for the State/appellant. 2. Mr. Anurag Bisaria, learned counsel with Ms. Prabha Bist Pundir, Mr. Nehraj Bisaria, Ms. Sangeeta Adhikari Patni, learned counsel for the respondent. 3. The instant Government Appeal has been preferred by the State under section 419 (3) of BNSS, 2023 against the judgment and order passed by the learned Special Judge (NDPS Act)/District & Session Judge, Tehri Garhwal in Special Session Trial No. 20 of 2022 'State vs. Alok Bist', whereby, the respondent is acquitted from the charge of 8/20 of NDPS Act. 4. The instant appeal was barred by 20 days and delay was condoned on 21.09.2026 and the matter is now posted for today for admission. 5. The State has preferred this appeal primarily on the ground that the Trial Court judgment is against the evidence on record and heavily relies upon the conjectures and surmises and, as such, committed a grave error in law. 6. Heard, learned A.G.A. appearing for the State/appellant and peruse the judgment under challenge. As per the prosecution it is a case of chance recovery of 140 gms. of *charas* from the possession of accused/respondent. It is argued by learned A.G.A. that the Trial Court committed a serious error by failing to properly appreciate the recovery memo and

			the corroborative evidence i.e. FSL report, which conclusively proved the contraband to be *charas*. He submits that since it was a case of chance recovery the stringent condition to be followed in terms of section 50 of NDPS Act is not applicable. He also submits that the Trial Court failed to appreciate the presumption in terms of section 35 of NDPS Act. 7. On close scrutiny of the judgment, this court finds that the Trial Court meticulously evaluate the testimonies of the material prosecution witnesses specifically PW1, PW2 and PW9 and comes to the conclusion that there is grave contradictions and inconsistencies on their deposition. Even the judgment reveals that the inventory report was never been produced before the Trial Court, which in fact is a very critical piece of evidence. 8. It is settled principle of law that in an appeal against acquittal the court should not interfere with the finding of the Trial Court unless the judgment is perverse and wholly unsustainable. 9. In the present case the view taken by the Trial Court is not only plausible one but is legally sound. Hence, this court is of the view that the Trial Court has not committed any error of law or fact. 10. Accordingly, I do not find any merit in this appeal. Consequently, an application for Leave to Appeal and the connected Government Appeal is hereby dismissed at the admission stage. **(Rakesh Thapliyal, J.)** 04.11.2026 PR