SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1645/2026 Govind Singh --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Vikram Singh Dhapola and Mr. Gaurav Kandpal, learned counsel for the applicant. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand. 2. The present bail application has been filed by the applicant, who is in judicial custody in connection with FIR No. 0048 of 2026, registered at Police Station Kapkot, District Bageshwar, for the offences punishable under Sections 8/20/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the "N.D.P.S. Act"). 3. Heard learned counsel for the applicant and learned State Counsel and perused the record. 4. As per the prosecution story, the applicant and the co-accused were arrested at the spot along with the alleged contraband, which was recovered from a carry bag carried on the shoulder of the co-accused. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, inasmuch as no contraband has been recovered from his conscious possession. It is further contended that since the alleged contraband was recovered from the possession of the other co-accused, the prosecution has failed to establish the conscious possession of the applicant. It is further submitted that, as per the recovery memo, the inventory was prepared at the

			spot and the applicant, along with the co-accused, was arrested at 21:20 hours, whereas the F.I.R. was registered on the following day at 2:40 hours, i.e., after a lapse of more than five hours from the time of preparation of the inventory. However, the inventory report bears the F.I.R./Case Crime Number, despite the fact that the F.I.R. had not been registered at the time of its preparation. Thus, it is contended that the presence of the F.I.R. number in the inventory report and the arrest memo, allegedly prepared prior to the registration of the F.I.R., renders the prosecution version doubtful. Learned counsel further submits that the applicant has no criminal history. 5. 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 considered the relevance of procedural irregularities and non-compliance with the mandatory provisions of the N.D.P.S. Act while adjudicating bail applications. It is submitted that although Section 37 of the N.D.P.S. Act prescribes stringent twin conditions for the grant of bail, the Court is nevertheless required to examine whether procedural lapses exist which may have a bearing on the credibility of the prosecution case. 6. Learned counsel for the applicant further submits that, in the event of being enlarged on bail, the applicant shall not misuse the liberty so granted and shall furnish reliable sureties to the satisfaction of the Court concerned. 7. Learned State Counsel has vehemently opposed the bail application. 8. 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 is in judicial custody. Prima facie, certain arguable procedural irregularities appear to exist in the prosecution case, inasmuch as the inventory report and the arrest memo, which are stated to have been prepared prior to the registration of the F.I.R., bear the F.I.R./Case Crime Number. This circumstance raises a question which requires proper scrutiny during the course of trial. 9. In view of the law laid down by the Hon'ble Supreme Court in *Narcotics Control Bureau vs. Kashif* (supra), procedural irregularities having a bearing on the credibility of the prosecution case are relevant considerations while examining a bail application, even in cases governed by the stringent provisions of Section 37 of the N.D.P.S. Act. 10. Accordingly, without expressing any opinion on the final merits of the case, this Court is of the considered view that the applicant has made out a case for grant of bail at this stage. 11. The bail application is, accordingly, allowed. 12. Let the applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions: (i) The applicant shall regularly attend the proceedings before the trial court and shall 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 the case so as to dissuade such person from disclosing such facts to the Court or to any police officer. (iii) The applicant shall not leave India without prior permission of the trial court. 13. It is clarified that, in the event of misuse or violation of any of the conditions

			imposed hereinabove, the complainant/ informant shall be at liberty to move an appropriate application before the competent court seeking cancellation of the applicant's bail. **(Alok Mahra, J.)** 02-11-2026 SNEHA BINJOLA