SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1955/2026 Shrikant Mamgain --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. D.C.S. Rawat learned Senior Advocate assisted by Mr. Gaurav Kandpal, Advocate for the applicant. Mr. S.C. Dumka, A.G.A. with Mr. Nikhil Bisht, 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.232 of 2026, under Section 8/21/29/60 of N.D.P.S. Act, registered at Police Station Rajpur, District Dehradun. 3. As per the prosecution case, the applicant, along with three other co-accused persons, was sitting in a car when they were apprehended by the raiding party. During the course of the alleged search, a box was recovered from the said car, which, as per the alleged confessional statement of the driver of the vehicle, was stated to contain MDMA. The prosecution further claims that, in compliance with the provisions of Section 50 of the NDPS Act, the applicant and the other co-accused persons were apprised of their legal right to be searched before a Gazetted Officer or a Magistrate. It is

			further borne out from the recovery memo that information regarding the alleged recovery was communicated to the Circle Officer (C.O.); however, the nature of the contraband communicated to the C.O. was recorded as Charas and not MDMA, as alleged to have been recovered in the present case. Furthermore, the Circle Officer had allegedly left the place of occurrence before preparation of the inventory and had not appended his signatures thereto. 4. 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 23.09.2026. It is contended that, as per the prosecution version, the applicant along with three other co-accused persons was apprehended while sitting in a car, from which a box was allegedly recovered. However, the entire recovery memo is conspicuously silent as to which of the accused handed over the key of the said box to the raiding party and who actually opened the same. It is further submitted that the alleged recovery of the contraband has not been specifically attributed to the applicant and the prosecution has failed to demonstrate, at this stage, the applicant's conscious and exclusive possession of the alleged contraband. It is further contended that there are material inconsistencies in the contemporaneous documents prepared by the raiding party, inasmuch as, the information allegedly communicated to the Circle Officer (C.O.) has been recorded as recovery of Charas, whereas the alleged contraband recovered in the present case is stated to be MDMA. It is also pointed out that the C.O. had left the place of occurrence before preparation of the inventory and has not appended his signatures thereto, which raises issues

			requiring scrutiny during trial. Learned counsel further submits that, although the prosecution claims compliance with Section 50 of the NDPS Act, the manner and extent of such compliance, particularly in the factual circumstances of the alleged recovery, are matters requiring examination. It is also submitted that the applicant was not present at the place of occurrence and that his plea can be substantiated through the CCTV footage and Call Detail Records (CDRs) of his mobile phone. 5. Per contra, learned State Counsel has vehemently opposed the prayer for bail. 6. Having considered the rival 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 23.09.2026. As per the prosecution case itself, the alleged contraband was recovered from a box found inside the car in which the applicant and three other co-accused persons were allegedly sitting. However, the recovery memo does not clearly disclose as to which of the occupants was in possession of the key of the box or who had handed over the same to the raiding party. The material placed on record, at this stage, also does not clearly establish the specific role attributable to the applicant in relation to the alleged recovery. 7. This Court further finds that the discrepancy in the recovery memo regarding the nature of the contraband communicated to the Circle Officer, namely, Charas instead of MDMA, is a circumstance which cannot be brushed aside at the stage of consideration of bail.

			Further, the fact that the Circle Officer allegedly left the spot before preparation of the inventory and did not sign the same raises questions concerning the circumstances in which the inventory was prepared, which would require consideration during trial. The applicant has also raised a specific plea regarding his absence from the place of occurrence, which, according to learned counsel, is capable of verification through CCTV footage and CDRs. The evidentiary value of the said material would necessarily be examined at the appropriate stage of trial. 8. Having regard to the aforesaid facts and circumstances, particularly the nature of the alleged recovery, the issues relating to the applicant's conscious possession and individual role, the apparent discrepancies in the contemporaneous documents, the period of incarceration undergone by the applicant and the fact that the relevant issues are yet to be tested during trial, this Court is of the prima facie view that the applicant has made out a case for grant of bail, subject to satisfaction of the statutory requirements under Section 37 of the NDPS Act, wherever applicable. 9. Accordingly, without expressing any opinion on the merits of the case, the bail application is allowed. 10. 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. 11. 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.)** 26.11.2026 Neha NEHA BISHT Digitally signed by NEHA BISHT DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6f1c15b6305912b3f00de9a4a8038ae732b808b2d0e018b01be753f014836d27, postalCode=263001, st=UTTARAKHAND, serialNumber=3D89DC33779FB9677068452F32DE6BA9608FE64D819EE44CA9CCE4878 2FE0F92, cn=NEHA BISHT Date: 2026.11.26 17:46:37 +05'30'