



2026:UHC:2351

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>BA1 No.1211 of 2025 <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Rajat Mittal, Advocate for the applicant.</p> <p>Mr. Deepak Bisht, Deputy Advocate General for the State of Uttarakhand.</p> <p>2. This first bail application has been moved by the applicant seeking regular bail in F.I.R. No.672 of 2024, under Sections 8, 22 &amp; 60 of N.D.P.S. Act, registered at Police Station SIIDCUL, District Haridwar.</p> <p>3. As per the allegations contained in the F.I.R., the applicant was apprehended at Danso Chowk at approximately 03:49 p.m. It is alleged that a total of 4600 Buprenorphine injections, contained in two cartons, were recovered from the possession of the applicant along with the co-accused. Thereafter, upon completion of the requisite formalities in accordance with the provisions of the N.D.P.S. Act, an inventory of the recovered contraband was duly prepared, and the applicant was formally arrested at about 07:05 p.m.</p> <p>4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, has no criminal antecedents, and has been in judicial custody since 17.12.2024. It is contended that, in fact, the applicant was apprehended from B.S.M. Chowk at around 12:00 p.m., which is a bustling commercial area, and the said fact could have been corroborated through CCTV footage installed at various shops in the vicinity. It is further submitted that the mandatory requirement of communicating the grounds of arrest, either in writing or in a meaningful oral manner, was not complied with, thereby</p>



			<p>infringing the constitutional mandate enshrined under Article 22(1) of the Constitution of India. Placing reliance upon the judgment of the Hon'ble Supreme Court in Vihan Kumar Vs. State of Haryana and another, reported in 2025 SCC OnLine SC 269, it is argued that such non-communication vitiates the arrest and renders the consequential remand illegal, entitling the applicant to be enlarged on bail notwithstanding statutory embargoes.</p> <p>5. Pursuant to the direction issued on the previous date, the learned State Counsel, on the basis of a supplementary affidavit filed by the Investigating Officer, has submitted that the CCTV footage of the relevant period from B.S.M. Chowk is unavailable on account of damage to the wiring allegedly caused by mouse/monkeys, and that even the CCTV system of the concerned Police Station was non-functional during the said period due to similar reasons.</p> <p>6. The explanation so furnished does not inspire confidence. B.S.M. Chowk, as informed, being a densely populated and commercially active area is expected to have multiple functional CCTV cameras installed across various establishments. The assertion that all such cameras were simultaneously non-operational at the relevant time appears inherently improbable. Equally unconvincing is the explanation regarding the non-availability of CCTV footage from the Police Station on account of damage allegedly caused by monkeys. In view of these circumstances, this Court finds that the stand taken by the prosecution does not withstand prima facie scrutiny and lends credence to the contention of false implication of the applicant. Furthermore, it is evident from the record that the grounds of arrest were not furnished to the applicant in writing, which constitutes a clear infraction of the constitutional and procedural safeguards</p>
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governing arrest.

7. Accordingly, without expressing any opinion on the ultimate merits of the matter, this Court is of the considered view that the applicant has made out a case for grant of bail at this stage. The bail application is allowed.

8. Let the applicant-Rajat Saini alias Amoldeep 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.)**

02.04.2026

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