



2026:UHC:2389

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>BA1/2298/2025</u> <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Mani Kumar, learned counsel for the applicant.</p> <p>2. Mr. V.S. Pal, learned A.G.A. for the State.</p> <p>3. Applicant- Aklakh, who is in judicial custody in connection with FIR/Case Crime No. 315 of 2025, under Sections 8/22 of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kiccha, District Udham Singh Nagar has sought his release on bail.</p> <p>4. Heard learned counsel for the parties and perused the record.</p> <p>5. Applicant–Aklakh, who is in judicial custody in connection with FIR/Case Crime No. 315 of 2025, under Sections 8/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kiccha, District Udham Singh Nagar, has sought his release on bail.</p> <p>6. Heard learned counsel for the parties and perused the material available on record.</p> <p>7. As per the prosecution case, on 25.09.2025, during routine checking, the police party apprehended the applicant and allegedly recovered 300 tablets of Buprenorphine and Naloxone Sublingual Tablets (IP Vernor-N) and 20 Diazepam injections from his possession. On the basis of the said alleged recovery, the present F.I.R. came to be lodged against the applicant on the same day at Police Station Kiccha, District Udham Singh</p>



			<p>Nagar.</p> <p>8. Learned counsel for the applicant would further submit that the applicant has been falsely implicated in the present case and the alleged recovery has been planted upon him. It is contended that the mandatory provisions of the N.D.P.S. Act have not been complied with during the alleged search and seizure. In particular, there is non-compliance of Section 52-A of the N.D.P.S. Act, inasmuch as no inventory of the alleged contraband was prepared in accordance with law and the samples were not drawn and certified before the competent Magistrate as required under the statute.</p> <p>9. It is further submitted that the mandatory safeguards under Section 50 of the N.D.P.S. Act have also not been complied with by the police authorities. Learned counsel submits that the alleged recovery has been shown as a chance recovery, yet the prosecution has failed to demonstrate compliance with the statutory safeguards provided under the Act.</p> <p>10. Learned counsel for the applicant further submits that no independent public witness was associated with the alleged recovery, though the place of recovery is stated to be a public place, which creates doubt on the prosecution version. It is further pointed out that although the applicant was allegedly apprehended at about 19:20 hours, the F.I.R. was lodged at about 22:08 hours, i.e., nearly three hours thereafter. However, the arrest memo and inventory report, which are alleged to have been prepared at the spot prior to lodging of the F.I.R., surprisingly bear the F.I.R. number, which creates a serious doubt regarding the genuineness of the prosecution case.</p> <p>11. Learned counsel for the applicant</p>
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			<p>further submits that the applicant is languishing in jail since 26.09.2025, he has no previous criminal history, and he is a permanent resident of District Udham Singh Nagar, therefore, there is no likelihood of his absconding or tampering with the prosecution evidence. It is also submitted that the trial is likely to take considerable time to conclude and continued incarceration of the applicant would serve no useful purpose.</p> <p>12. On the previous date of hearing, learned State counsel was directed to obtain instructions regarding any corresponding G.D. entry explaining the mention of the F.I.R. number in the arrest memo and inventory report, which were allegedly prepared at the spot prior to registration of the F.I.R.</p> <p>13. Learned State counsel would vehemently oppose the bail application and submits that the recovery has been made in accordance with law and the provisions of the N.D.P.S. Act have been complied with. However, he fairly concedes that no corresponding G.D. entry is available to explain the mention of the F.I.R. number in the documents allegedly prepared prior to lodging of the F.I.R.</p> <p>14. Having considered the rival submissions and perused the record, this Court finds that the arrest memo and inventory report allegedly prepared at the spot bear the F.I.R. number, even though the F.I.R. is stated to have been lodged subsequently. The prosecution has not been able to explain this discrepancy by producing any corresponding G.D. entry, which raises a doubt regarding the sequence of events as projected by the prosecution.</p> <p>15. Without expressing any opinion on the merits of the case, and considering the</p>
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overall facts and circumstances of the case, and the unexplained discrepancy appearing in the prosecution record, this Court is of the opinion that the applicant has made out a case for grant of bail.

16. Accordingly, the 1st bail application is allowed on the following conditions:-

- (a) The applicant shall execute a personal bond and furnish two reliable sureties in the like amount to the satisfaction of the trial court.
- (b) The applicant shall not leave the country without prior permission of the court.
- (c) The applicant shall appear before the investigating officer as and when required and cooperate with the investigation.
- (d) The applicant shall not tamper with evidence or witnesses, either directly or indirectly and shall not indulge in any criminal activity while on bail.
- (e) The applicant shall surrender his passport, if any, to the court or to the investigating agency, to preclude risk of absconding.

17. The bail granted to the applicant shall be liable to be cancelled in the event of any violation of the aforesaid conditions or if the applicant is found to have misused the liberty granted to him.

(Alok Mahra, J.)
06.04.2026