

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>IA No.03/2026 (Bail Application) With <u>CRLA No.23 of 2026</u> "Raju Karki Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. Mayank Joshi, learned legal aid counsel for the Appellant.</p> <p>2. Mr. Dinesh Chauhan, learned DAG with Mr. Vikash Uniyal, learned Brief Holder, for the State of Uttarakhand.</p> <p>3. Appellant was convicted for offence punishable under Sections 8/21 of the NDPS Act, and have sentenced for a period of four years of rigorous imprisonment with a fine of Rs.5,000/-, and in default of fine, three months additional rigorous imprisonment, vide judgment and order dated 08.08.2025, passed by the court of learned Special Judge (NDPS Act)/Sessions Judge, Pauri Garhwal in Special Session Trial No.16 of 2019, "State Vs. Raju Karki". Challenging his conviction and sentence, Appellant has filed this appeal.</p> <p>4. 17.84 grams of contraband, namely, smack (heroine) was recovered from the possession of the Applicant/convict. The first ground for bail as advanced by the learned counsel for the Applicant for consideration is that the mandatory procedure regarding the search was not made out as per provisions of Section 50 of the NDPS Act. Second submission is that there are major procedural lapses of mandatory and directive provisions regarding the search, seizure and further custody of the contraband so seized from the Applicant/convict. Third submission is that the Applicant was enlarged on bail during the course of the trial, and never defaulted the conditions of the bail. Fourth submission is that there were no public witnesses to support the story of the prosecution. Lastly, it is submitted that the contraband involved in the present matter smack (heroine) is just weighing only 17.84 grams of smack (heroine) and is much below the commercial quantity, and the Applicant/convict is being languishing in jail since 08.08.2025, and also the Applicant/convict has no criminal history.</p>

5. The bail application has been opposed on behalf of the learned State Counsel on the grounds that the compliance of Section 50 of the NDPS Act, cannot be said to be mandatory in the present matter as it is a chance recovery and there are no procedural lapses as such claim not to have followed as advanced by the learned counsel for the Applicant. Inventory report had been duly prepared as per law and upkeep and safety of seized contraband had been duly adhered to as per law. It is also stated that the contraband was sealed on the spot thereafter it was taken to the *malkhana* and produced before the Narcotics Judge and lastly it is stated that there are no valid grounds enlarging the Appellant/convict on bail.

6. After hearing the learned counsel for the parties, this Court is of the considered view that, at this juncture, the ground for bail is sufficient. Mainly, on the ground that the contraband so recovered from the Appellant/convict weighing less than commercial quantity i.e. 17.84 grams of smack (heroine), and secondly the Appellant/convict was enlarged on bail during the course of the trial and has never defaulted the same.

7. Considering the overall facts and circumstances of the case, the Appellant has made out a case for bail.

8. Consequently, the bail application is allowed. Let the Appellant/Applicant, be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amounts to the satisfaction of the Court concerned.

9. List this matter on 19.06.2026.

(Ashish Naithani, J.)

01.04.2026

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