


SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	<p style="text-align: right;">COURT'S OR JUDGES'S ORDERS</p>  <p style="text-align: right;">2026:UHC:2150</p>
			<p><b><u>BA1 No. 184 of 2026</u></b></p> <p>Vicky --Applicant</p> <p style="text-align: center;"><b>Versus</b></p> <p>State of Uttarakhand --Respondent</p> <p><b><u>Hon'ble Ashish Naithani, J.</u></b></p> <p>Mr. Abhishek Verma, learned counsel for the Applicant.</p> <p>2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant- Vicky, aged about 30 years, S/o Khoob Singh, R/o Bhatganva, Bhagatpur, Moradabad, District Moradabad, Uttar Pradesh. The Applicant is in judicial custody in connection with Case Crime/FIR No. 260 of 2025, registered at Police Station I.T.I., District Udham Singh Nagar, for offences punishable under Sections 8/22/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985.</p> <p>4. Heard Mr. Abhishek Verma, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. Perused the record.</p> <p>5. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and is in judicial custody since 30.09.2025. It is further contended that the co-accused has already been granted arrest protection by this Court vide order dated 09.10.2025. It is also argued that the provisions of Section 58 of the NDPS Act have not been complied with. Additionally, it has been submitted that there is a mention of the FIR in the inventory and other procedural documents prepared during search and seizure,</p>

which is legally impermissible as the FIR is lodged after completion of such procedures.

6. Per contra, learned State Counsel opposed the bail application and submitted that the recovered contraband is of commercial quantity, i.e., 162.05 kilograms of ganja, which was allegedly concealed in bags of rice and smuggled from Orissa. It is further argued that parity cannot be claimed by the Applicant and that the alleged discrepancy regarding mention of FIR prior to its lodging is not sufficient to grant bail.

7. After hearing learned counsel for the parties and perusing the material on record, this Court finds that grounds for bail are made out. Firstly, although it is alleged that 162.05 kilograms of contraband (ganja) has been recovered, the Forensic Science Laboratory (FSL) report has not yet been furnished. In absence of the FSL report, the exact nature of the seized substance cannot be conclusively determined. Secondly, there appears to be a discrepancy in the procedural documents, including the inventory, wherein the FIR number is mentioned prior to its actual lodging, which raises doubt regarding the procedural sanctity of the search and seizure.

8. In view of the above, this Court is of the opinion that the Applicant is entitled to be released on bail. Accordingly, the Bail Application is allowed.

9. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties in the like amount to the satisfaction of the Court concerned.

10. All pending applications, if any, stand disposed of.

**(Ashish Naithani, J.)**

25.03.2026

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