


21. BA] SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGE'S ORDERS 2026:UHC:3771
			<p>BA2 No.62 of 2026 Shamsher Vs. State of Uttarakhand <b><u>Hon'ble Ashish Naithani, J.</u></b></p> <p>Mr. Shivam Gulati and Mr. Abhishek Joshi, learned counsel for the Applicant.</p> <p>2. Mr. Pramod Tiwari, learned AGA for the State.</p> <p>3. The brief facts, as culled out from the record, are that FIR No.0120 of 2025 was registered at Police Station Ranipur, District Haridwar under Section 8/22/27(a) of NDPS Act, pursuant to a raid conducted by the Anti-Narcotics Task Force, Haridwar on 21.03.2025, on the basis of secret information, at a godown situated in Chauhan Compound, Industrial Area, Ranipur, which was allegedly being run in the name and style of "Anchal Road Carrier/Anchal Express" by co-accused Anil Ladwal.</p> <p>4. As per the FIR, the present applicant Shamsher was found present inside the said premises and, on noticing the police party, allegedly attempted to flee from the spot, whereafter he was apprehended. Upon search of the premises, 23 boxes containing 3,31,200 capsules of Spasmo Proxyvon Plus and additional packets containing 10,368 capsules, a total of 3,41,568 capsules containing Tramadol Hydrochloride and other substances, were recovered and seized. The samples are stated to have been drawn at the spot in the presence of witnesses. The applicant is in judicial custody since 21.03.2025.</p>

		<p>5. The FIR further attributes to the applicant knowledge of the illegal storage and transportation of the aforesaid psychotropic substances, and also alleges that he was deriving benefit from the said activity.</p> <p>6. It is also apposite to notice that the earlier bail application preferred by the present applicant, being First Bail Application No. 850 of 2025, along with the bail application preferred by co-accused Anil Ladwal, was rejected by this Court vide common order dated 20.09.2025, having regard to the nature and quantity of recovery, the prima facie material regarding conscious possession and the rigour of Section 37 of the NDPS Act. The present application is, thus, the second bail application moved on behalf of applicant Shamsher.</p> <p>7. Heard learned counsel for the parties and perused the record.</p> <p>8. Learned counsel for the applicant submits that the arrest memo suffers from a material illegality, inasmuch as the column pertaining to the grounds of arrest was left blank and the grounds of arrest were not communicated to the applicant, thereby offending the safeguards mandated in law.</p> <p>9. Learned counsel further submits that the applicant was merely an employee of Anchal Express Company and had no ownership, dominion, control, knowledge or authority over the consignments allegedly recovered from the godown and, therefore, in the absence of conscious possession, the rigour of the NDPS Act cannot be attracted against him.</p> <p>10. Per contra, learned State counsel has opposed the present bail application and submits that no fresh ground is made out for enlargement of the applicant on bail, particularly when the</p>
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		<p>earlier bail application of the applicant has already been rejected.</p> <p>11. Having heard learned counsel for the parties and upon perusal of the material brought on record, this Court finds that the earlier bail application preferred by the present applicant has already been rejected on merits after considering the nature of allegations, the quantity of contraband recovered and the rigour of Section 37 of the NDPS Act. In the present second bail application, no substantial change in circumstance or fresh ground of such nature has been demonstrated which may persuade this Court to take a view different from the one already taken earlier.</p> <p>12. The recovery alleged in the present case is of huge commercial quantity comprising 3,41,568 capsules containing Tramadol Hydrochloride and other prohibited substances, recovered from the premises where the applicant was present at the time of raid. The State's case further attributes knowledge and involvement to the applicant in the illegal storage and transportation of the contraband.</p> <p>13. At this stage, the plea raised on behalf of the applicant that he was merely an employee and had no conscious possession or control over the recovered substance, are matters which require appreciation of evidence during trial and cannot be conclusively adjudicated upon at the stage of consideration of bail.</p> <p>14. So far as the contention regarding alleged non-communication of grounds of arrest is concerned, this Court does not find the said submission, at this stage, sufficient by itself to dilute the rigours of Section 37 of the NDPS Act, particularly in absence of any material to demonstrate prejudice occasioned thereby so as</p>
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to entitle the applicant to bail in a case involving commercial quantity of contraband.

15. Considering the nature and gravity of accusation, the quantity of contraband recovered, the embargo contained under Section 37 of the NDPS Act and in absence of any fresh circumstance after rejection of the earlier bail application, this Court is not satisfied that the applicant has been able to make out a case for grant of bail.

16. Accordingly, the second bail application is liable to be rejected and is, accordingly, **rejected**.

**(Ashish Naithani, J.)**

07.05.2026

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