



2026:UHC:3364

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>BA1/1779/2025</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Ms. Rajni Rangwal, learned counsel for the applicant.</p> <p>2. Ms. Pushpa Bhatt, learned Deputy A.G. along with Mr. S.C. Dumka, learned Deputy A.G. for the State.</p> <p>3. The applicant- Riyajuddin, who is in judicial custody in connection with Case Crime/F.I.R. No. 00249 of 2025 registered under Sections 8/20/60 of the N.D.P.S. Act, P.S. Khatima, District Udham Singh Nagar.</p> <p>5. Heard learned counsel for the parties and perused the record.</p> <p>6. As per the prosecution case, on 21.08.2025, the complainant along with other police personnel was on patrolling duty and during checking, the present applicant was apprehended and allegedly found in possession of 207.5 grams of charas.</p> <p>7. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the mandatory provisions of the N.D.P.S. Act have not been complied with. It is further submitted that the safeguards envisaged under Section 50 of the N.D.P.S. Act have been violated; that, the alleged recovery is shown to be a chance recovery and is doubtful.</p> <p>8. It is further submitted that the quantity of the contraband allegedly recovered from the applicant is below commercial quantity, and therefore, the rigours of Section 37 of the N.D.P.S. Act</p>



are not attracted. It is also contended that no independent public witness was associated with the alleged recovery, thereby casting serious doubt on the prosecution version. Learned counsel has further pointed out material discrepancies in the prosecution case, namely that the inventory report and arrest memo are shown to have been prepared at the spot at 8:35 P.M., whereas the applicant was subsequently taken to the police station and the General Diary entry was made at 11:32 P.M., and the F.I.R. was lodged thereafter at about 11:30 P.M. However, the inventory report, arrest memo, and G.D. entries bear the F.I.R. number, which prima facie creates doubt regarding the genuineness and timing of the alleged recovery and suggests that the documents may have been prepared subsequently.

9. Learned counsel for the applicant further submits that the applicant is in custody since 12.08.2025, is a permanent resident of District Udham Singh Nagar, and there is no likelihood of his absconding or tampering with evidence. It is also submitted that the trial is likely to take considerable time to conclude.

10. Per contra, learned State counsel has opposed the bail application, submitting that the provisions of the N.D.P.S. Act have been duly complied with and the recovery has been effected in accordance with law. It is further submitted that the applicant has a criminal history of 12 cases, including cases under the N.D.P.S. Act, and therefore, he is not entitled to be released on bail.

11. In reply, learned counsel for the applicant submits that out of the alleged 12 cases, only three pertain to offences under the N.D.P.S. Act, and mere pendency of cases cannot be a ground to deny bail. It is reiterated that Section 37 of



the N.D.P.S. Act is not attracted in the present case, particularly when the prosecution story itself is doubtful.

12. Having considered the rival submissions, perused the record, and taking into account the nature of allegations, the quantity of contraband being below commercial quantity, the discrepancies pointed out in the prosecution case, and without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a fit case for grant of bail at this stage.

13. Accordingly, the bail application is allowed.

14. Let the applicant 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.

15. 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.)

04.05.2026



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