



2026:UHC:3319

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>BA1 No.2077 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Gaurav Singh, Advocate for the applicant.</p> <p>Mrs. Manisha Rana Singh, Deputy Advocate General for the State of Uttarakhand.</p> <p>2. This first bail application has been moved by the applicant seeking regular bail in F.I.R./Case Crime No.468 of 2025, under Sections 8/20/60 of N.D.P.S. Act, registered at Police Station Kotwali Jwalapur, District Haridwar.</p> <p>3. Applicant was apprehended by the police party, and from his possession, 20.538 kgs. of Ganja was allegedly recovered.</p> <p>4. It is contended by learned counsel for the applicant that applicant has falsely been implicated in the instant crime; has no criminal history and is languishing in jail since 06.08.2025. It is further submitted that a bare perusal of the F.I.R. reveals that the inventory report was purportedly prepared on the spot. It is further argued that the inventory report bears the F.I.R./Case Crime number. Hence, at the time of preparation of inventory report, the F.I.R./Case Crime number was not in existence, which renders the prosecution version doubtful. Learned counsel for the applicant has placed reliance on the judgment of the Hon'ble Supreme Court in Narcotics Control Bureau Vs. Kashif, reported in (2024) 11 SCC 372, wherein it has been held that procedural irregularities and non-</p>



			<p>compliance with mandatory provisions under the N.D.P.S. Act are material considerations while adjudicating bail applications. It was further held that although Section 37 of the Act prescribes stringent twin conditions for the grant of bail, the Court is nonetheless required to examine whether serious procedural lapses exist which may undermine the credibility of the prosecution case. Learned counsel for the applicant submits that in case, the applicant is granted bail, he will not misuse the same and will furnish the bail surety as per the satisfaction of this Court.</p> <p>5. Learned State Counsel vehemently opposed the bail application.</p> <p>6. Considering the submissions of learned counsel for the parties and the material on record, this Court finds that the applicant has no criminal antecedents and is in custody since 06.08.2025. Prima facie, there appear arguable procedural irregularities in the prosecution case, inasmuch as, the inventory report allegedly prepared prior to registration of the F.I.R. bear the F.I.R./Case Crime number, which creates doubt requiring scrutiny during trial. In view of the law laid down in <i>Narcotics Control Bureau vs. Kashif (Supra)</i>, such lapses are relevant for considering bail even under the rigours of Section 37 of the N.D.P.S. Act.</p> <p>7. Accordingly, without expressing any opinion as to the final merits of the case, this Court is of the view that applicant deserves bail at this stage.</p> <p>8. The bail application is allowed.</p> <p>9. Let the applicant, namely, Monu Sharma be released on bail, on executing personal bond and furnishing two reliable</p>
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			<p>sureties, each of like amount, to the satisfaction of Court concerned, subject to the following conditions:</p> <p>(i) The applicant shall attend the trial Court regularly, and, he will not seek any unnecessary adjournment.</p> <p>(ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.</p> <p>(iii) The applicant shall not leave India without any prior permission of the trial Court.</p> <p>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.</p> <p style="text-align: right;">(Alok Mahra, J.) 02.05.2026</p> <p><i>Arpan</i></p>
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