



2026:UHC:4255

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.2160 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Vishwa Prakash Bahuguna, Advocate for the applicant. Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand.</p> <p>2. This first bail application has been moved by the applicant seeking regular bail in Case Crime/F.I.R. No.249 of 2025, under Sections 8/22/29/60 of N.D.P.S. Act, registered at Police Station Doiwala, District Dehradun.</p> <p>3. Applicant was apprehended by the police party and, from his alleged possession, 302.04 grams comprising 480 capsules of Acetaminophen, Tramadol HCl & Dicyclomine HCl, 129 grams comprising 300 tablets of Acetaminophen, Tramadol & Dicyclomine USP, and 66 grams comprising 600 tablets of Alprazolam IP 0.50 mg were allegedly recovered.</p> <p>4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case; he has no criminal antecedents and is languishing in jail since 12.09.2025. It is further contended that a bare perusal of the F.I.R. reveals that the inventory report as well as the arrest memo were allegedly prepared on the spot at the time of recovery, however, both the documents bear the F.I.R./Case Crime number. It is argued that at the time when the said documents were allegedly prepared, the F.I.R./Case Crime number was admittedly not in existence, which creates a serious doubt regarding the genuineness of the alleged recovery proceedings and renders the prosecution version highly doubtful. Learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in <i>Narcotics Control Bureau vs. Kashif</i>, reported in (2024) 11 SCC 372, wherein it has been held that procedural irregularities and non-compliance of mandatory provisions under the N.D.P.S. Act are relevant and material considerations while adjudicating a bail application. It has further been held therein that despite the rigours of Section 37 of the N.D.P.S.</p>



			<p>Act, the Court is duty bound to examine whether there exist substantial procedural lapses which prima facie undermine the credibility of the prosecution case.</p> <p>5. Learned counsel for the applicant further submits that the alleged recovered contraband was initially sent for forensic examination on 23.09.2025, however, the same was ultimately received at F.S.L., Chandigarh only on 06.10.2025. It is argued that there is an unexplained and inordinate delay in transmitting the samples to the forensic laboratory, thereby creating a serious doubt regarding the sanctity of the seal, safe custody and possibility of tampering with the samples during the intervening period.</p> <p>6. On the previous date, learned State Counsel was directed to seek specific instructions regarding the delay caused in sending the recovered material for forensic examination. Today, on instructions, learned State Counsel submits that the recovered contraband was initially sent to F.S.L., Dehradun on 23.09.2025, however, since the testing facility for Alprazolam was not available there, the learned Magistrate vide order dated 27.09.2025 directed that the samples be sent to F.S.L., Chandigarh, where the same were received on 06.10.2025.</p> <p>7. Refuting the aforesaid explanation, learned counsel for the applicant submits that Chandigarh is only about three hours' drive from Dehradun and, despite that, the samples allegedly took several days to reach the forensic laboratory. It is contended that the prosecution has failed to furnish any satisfactory explanation regarding the delay during transit of the samples from Dehradun to Chandigarh. According to the learned counsel, such unexplained delay in dispatch and receipt of the samples strikes at the root of the prosecution case and further renders the alleged recovery doubtful.</p> <p>8. Considering the submissions advanced by learned counsel for the parties, this Court finds that the applicant has no criminal antecedents and is in judicial custody since 12.09.2025. Prima facie, the contention raised regarding mention of the F.I.R./Case Crime number on the inventory report and arrest memo, allegedly prepared prior to registration of the F.I.R., creates a serious doubt with regard to the authenticity of the recovery proceedings. Further, though the</p>
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			<p>recovered contraband was allegedly dispatched for forensic examination on 23.09.2025, the samples were received at F.S.L., Chandigarh only on 06.10.2025 and no satisfactory explanation has been furnished regarding the delay during transit. Such unexplained delay raises doubt concerning the sanctity of the seal and safe custody of the samples.</p> <p>9. In view of the aforesaid facts, the procedural lapses pointed out by the applicant, the law laid down in Narcotics Control Bureau vs. Kashif, and 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>10. The bail application is allowed.</p> <p>11. Let the applicant, namely, Mohd. Anzar 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:</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.) 29.05.2026</p> <p><i>Arpan</i></p>
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