



2026:UHC:2303

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.2293 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Harshpal Sekhon, Advocate for the applicant. Mr. Akshay Latwal, 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 F.I.R. No.25 of 2025, under Sections 29 of N.D.P.S. Act, registered at Police Station Kotwali Pithoragarh, District Pithoragarh.</p> <p>3. The applicant submits that he was not apprehended in possession of the alleged contraband. His arrest was solely based on the confessional statement of one Neeraj, wherein it is claimed that contraband weighing 116.73 grams, allegedly <i>Heroin</i>, was purchased from the applicant.</p> <p>4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case and has been in custody since 14.10.2025. It is further submitted that the applicant was neither apprehended at the scene nor was any contraband recovered from his possession. The arrest was effected solely on the basis of the confessional statement of a co-accused. Learned counsel submits that, if granted bail, the applicant will not misuse the liberty and is prepared to furnish bail surety as deemed appropriate by this Court.</p> <p>5. On the other hand, learned State Counsel submits that the Call Detail</p>



			<p>Records (C.D.R.) indicate that the applicant and co-accused Neeraj were in regular communication.</p> <p>6. In response, learned counsel for the applicant emphasizes that the last telephonic communication between the applicant and Neeraj occurred on 6th February, whereas Neeraj was arrested on 12th February, i.e., six days after the last call. Reliance is placed on the decision of the Hon'ble Supreme Court in Surinder Kumar Khanna Vs. Intelligence Officer, Directorate of Revenue, reported in (2018) 8 SCC 271, wherein it was held that a statement of one accused cannot, by itself, constitute substantive evidence to convict another. Such a statement may, at best, serve as corroborative assurance, but cannot form the sole basis for conviction in the absence of independent evidence. It is, therefore, submitted that there is no credible evidence directly implicating the applicant. For establishing culpability, there must be proximate and corroborative evidence, such as a money trail or telephonic communication close to the time of arrest, which is absent in the present case.</p> <p>7. Having considered the rival submissions of learned counsel for the parties, this Court is of the view that the applicant was not apprehended in possession of the alleged contraband and that his arrest is solely based on the confessional statement of co-accused Neeraj. There is no independent evidence linking the applicant to the alleged offence, the last communication with the co-accused occurred six days prior to Neeraj's arrest, and no financial or material link has been established. In these circumstances, without expressing any opinion as to the final merits of the case, this Court is of the view that</p>
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applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant, namely, Sameer Malik 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.

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.)

01.04.2026

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