

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010066772025  2026:UHC:6516
			<u>UKHC010066772025</u> <u>BA1/820/2025</u> Hashim --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Mohd Azim, learned counsel for the applicant. 2. Mr. Sandeep Sharma, learned AGA, for the State of Uttarakhand. 3. The present applicant - Hashim S/o Anis, is praying for bail in a reference to FIR dated 23.03.2024 bearing FIR No.113 of 2024, Police Station Kunda, District Udham Singh Nagar, wherein, the present applicant has been implicated for the offences punishable under Sections 8/22 read with Section 60 of the NDPS Act. 4. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and though the alleged prohibited drugs and the injections are commercial one, but there is no substantial compliance of the mandatory provisions of the NDSP Act. He further submits that though at the time of search and seizure, the inventory was prepared but the Magistrate has not certified the inventory in the manner as provided under Rule 8 of Narcotics Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal), Rules, 2022, therefore, there is no substantial compliance of Section 52A of the NDPS Act. He further submits that the present applicant is languishing in jail since last more than two years i.e. from 24.03.2024 and the chargesheet has already been filed on 31.08.2024, and there are as many as eight prosecution witnesses but up till date not a single prosecution witness has been examined, therefore, the stringent conditions as stipulated under Section 37 of the NDPS Act, be dispensed with. Apart from this, he submits that the applicant has criminal history of one case of similar nature, which relates to

		the recovery of <i>charas</i> of a smaller quantity, wherein, he was already enlarged on bail. In addition to this, he further submits that since the present applicant has suffered a long incarceration, as he is languishing in jail since last more than two years, therefore, applicant be released on bail. 5. On the other side, Mr. Sandeep Sharma, learned AGA, has not disputed that the present applicant is languishing in jail since 24.03.2024 and up till date not a single prosecution witness has been examined. For the inventory, he submits that the inventory was certified by the Magistrate by putting an endorsement of "seen", and is completely a subject matter of the trial, however, this aspect can be looked into while considering the bail application. Apart from this, he has not disputed that in one previous case of similar nature, the applicant is already enlarged on bail. 6. After hearing the submissions of the learned counsel for the parties, and taking into consideration that the present applicant is languishing in jail since 24.03.2024, and though the trial has been commenced but not a single prosecution witness has been examined and furthermore the inventory which was prepared is not certified in the manner as provided under Rule 8 of Narcotics Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal), Rules, 2022 though is completely a subject matter of trial but can be looked into while considering the bail application, therefore, this Court is of the view that the applicant deserves for bail. 7. Accordingly without expressing any opinion on the merits of the case, bail application is allowed. 8. Let the applicant - "Hashim Kumar", be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:- (a) After being released on bail the applicant shall join the Trial Court proceedings on each and every date without seeking any unnecessary adjournment. (b) The applicant shall not indulge in future in any such activity. (c) The applicant shall also not leave the country without prior permission of the
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			court, and surrender, his passport, if any, to the Trial Court within three days, after being released on bail. (b) On breach of any such conditions, the prosecution is directed to move an application for cancellation of bail granted to the applicant. (Rakesh Thapliyal, J.) 28.07.2026 Nitesh/
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