
(2025) 10 UH CK 0005

Uttarakhand HC

Case No: First Bail Application No. 1853 Of 2025

Bindo Kaur

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Oct. 8, 2025

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 2(viia), 2(xxiiiia), 8, 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Rajni Rangwal, Pradeep Lohani

Judgement

Alok Kumar Verma, J

1. The applicant is in judicial custody for the offence under Section 8 read with Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "Act, 1985") in Case Crime No.258 of 2025, registered at Police Station Gadarpur, District Udham Singh Nagar.
2. According to the First Information Report, the applicant was apprehended by the police on 11.09.2025. The police recovered 29 gm. smack from her possession.
3. Heard Ms. Rajni Rangwal, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for respondent.
4. Ms. Rajni Rangwal, Advocate contended that the applicant is an innocent person. She has been falsely implicated by the police. Nothing was recovered from her possession. The alleged recovery was planted. There was no independent witness at the time of the alleged recovery. This fact also makes the story of the police doubtful. Applicant has never been prosecuted or convicted by any criminal court and she has no criminal history, and, the alleged recovered contraband is less than the commercial quantity.
5. Mr. Pradeep Lohani, Brief Holder has opposed the bail application orally.
6. As per Table prepared in terms of Section 2 (xxiii-a) and Section 2 (vii-a) of the Act, 1985, 5 gm of smack (heroin) is small quantity and greater than 250 gm is commercial quantity (Entry No.56).

7. The object of keeping the accused in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused. There is nothing on record to indicate that the applicant had earlier been involved in any unacceptable activities.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Bail Application is allowed.

10. Let the applicant - Bindo Kaur be released on bail on her executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.