

**(2025) 12 UK CK 0009**

**Uttarakhand HC**

**Case No:** First Bail Application No. 2390 Of 2025

Mahendra Kumar

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision:** Dec. 12, 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:** D.N. Sharma, Tumul Nainwal, Chitrarth Kandpal

**Final Decision:** Allowed

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### **Judgement**

Alok Kumar Verma, J

1. The applicant Mahendra Kumar is in judicial custody for the offence punishable under Section 8 read with Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, Act, 1985) in Case Crime No.474 of 2025, registered at Police Station Kashipur, District Udham Singh Nagar.

2. According to the First Information Report, 14.11.2025, the applicant was going by a motorcycle. Seeing the police, he wanted to run, but he fell. The police recovered 33.44 gm. smack from his possession. He was arrested.

3. Heard Mr. D.N. Sharma, learned counsel for the applicant and Mr. Tumul Nainwal, learned Assistant Government Advocate for respondent.

4. Mr. D.N. Sharma, Advocate, contended that the applicant was not involved in the said offence. He has been falsely implicated by the police. The alleged smack was not recovered from his possession. He is an innocent person. There was no independent witness at the time of the alleged recovery from the possession of the applicant. This fact also makes the prosecution story doubtful. Applicant has no criminal antecedents. He is a permanent resident of District Udham Singh Nagar,

therefore, there is no possibility of his absconding, and, the alleged recovered contraband is less than commercial quantity.

5. Mr. Tumul Nainwal, Assistant Government Advocate, has opposed the bail application orally. However, he submitted on instruction that the applicant has no criminal antecedents.

6. As per Table prepared in terms of Section 2 (xxiii-a) and Section 2 (vii-a) of the Act, 1985, 5 gm of 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 trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

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 Mahendra Kumar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.