

(2025) 12 UK CK 0032

Uttarakhand HC

Case No: First Bail Application No. 2423 Of 2025

Rahbar Ali Alias Rebar Ali Alias
Chand Baba

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 15, 2025

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 2(viia), 2(xxiiiia), 8, 20, 50

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Pranav Singh, Rangoli Purohit

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. The applicant is in judicial custody for the offence punishable under Section 8 read with Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, Act, 1985) in Case Crime No.329 of 2025, registered at Police Station Kaliyar Sarif, District Haridwar.
2. According to the First Information Report dated 25.11.2025, on 24.11.2025, the applicant was apprehended by the police on suspicion. He was searched. The police recovered 102 gm. charas from the right pocket of his jacket. He was arrested at 23:55 hrs.
3. Heard Mr. Pranav Singh, learned counsel for the applicant and Mrs. Rangoli Purohit, learned Brief Holder for the respondent.
4. Mr. Pranav Singh, Advocate, contended that the applicant, aged about 74 years, has been falsely implicated by the police. The alleged recovery was false. The alleged charas was not recovered from the possession of the applicant. At the time of the

alleged recovery from the applicant, there was no independent witness. This fact also supports the submission of the applicant. The mandatory provision of Section 50 of the Act, 1985 was not followed. Applicant is a permanent resident of District Haridwar, therefore, there is no possibility of his absconding. He is not a convicted person, and, the alleged recovered contraband is less than commercial quantity.

5. Mrs. Rangoli Purohit, Brief Holder, has opposed the bail application orally.

6. As per Table prepared under Section 2 (xxiii-a) and Section 2 (vii-a) of the said Act, 1985, lesser than 100 gm of charas is small quantity and greater than 01 Kilogram of charas is commercial quantity (Entry No.23).

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.

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 Rahbar Ali alias Rebar Ali alias Chand Baba 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.