

**(2025) 12 UK CK 0025**

**Uttarakhand HC**

**Case No:** First Bail Application No. 1663 Of 2025

Asharaf

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision:** Dec. 16, 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:** Gaurav Singh, Sandeep Sharma

**Final Decision:** Allowed

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### **Judgement**

Alok Kumar Verma, J

1. The applicant-Asharaf 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. 351 of 2025, registered at Kotwali Jwalapur, District Haridwar.
2. According to the First Information Report dated 12.07.2025, the applicant was apprehended by the police on a secret information. He was searched before the Circle Officer of Police. The police recovered 102.33 gm. smack (heroin) from the right pocket of his **kurta**. He was arrested at 10:45 a.m.
3. Heard Mr. Gaurav Singh, learned counsel for the applicant and Mr. Sandeep Sharma, learned Assistant Government Advocate for respondent.
4. Mr. Gaurav Singh, Advocate, contended that the alleged smack was not recovered from the possession of the applicant. He has been falsely implicated by the police. There was no independent witness at the time of the alleged recovery from the possession of the applicant. This fact also makes the story of the police doubtful. Applicant is not a convicted person. He is a permanent resident of District Haridwar,

therefore, there is no possibility of his absconding, and, the alleged recovered smack does not fall under the category of commercial quantity.

**5.** Mr. Sandeep Sharma, Assistant Government Advocate, has opposed the bail application.

**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 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 Asharaf 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.