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**(2025) 12 UK CK 0051**

**Uttarakhand HC**

**Case No:** First Bail Application No. 2445 Of 2025

Firoz

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision:** Dec. 17, 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:** Mani Kumar, Chitrarth Kandpal

**Final Decision:** Allowed

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### **Judgement**

Alok Kumar Verma, J

**1.** The applicant-Firoz 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.253 of 2025, registered at Police Station Banbhoolpura, District Nainital.

**2.** According to the First Information Report dated 04.11.2025, the applicant was apprehended by the police on suspicion. The police recovered 56.07 gm smack from a polythene bag which the applicant was holding in his hand. He was arrested at 17.22 hrs.

**3.** Heard Mr. Mani Kumar, learned counsel for the applicant and Mr. Chitrarth Kandpal, learned Brief Holder for the respondent.

**4.** Mr. Mani Kumar, Advocate, contended that the alleged smack was not recovered from the possession of the applicant. The alleged recovery was planted. There was no independent witness at the time of the alleged recovery. This fact also supports the submission of the applicant. Applicant is not a convicted person. He is a permanent resident of District Nainital, therefore, there is no possibility of his

absconding, and, the alleged recovered smack does not fall under the category of commercial quantity.

**5.** Mr. Chitrarth Kandpal, learned 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 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 Firoz 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.