

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p><b><u>BA1/1085/2025</u></b>  <b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Vinayak Pant, learned counsel for the applicant.</li> <li>2. Mr. V.S. Pal, learned AGA for the State.</li> <li>3. Present applicant - "Harish Chandra Joshi, S/o Laxmi Dutt Joshi", is seeking bail in relation to first information report dated 03.03.2025 bearing FIR No. 0018 of 2025, Police Station - Kotwali Almora District Almora wherein the present applicant along with one Bhagwant Singh Salal have been implicated for the offences punishable under Section 8/20 read with Section 60 of the N.D.P.S. Act, 1985.</li> <li>4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated and the alleged contraband which is shown to be recovered from the present applicant is above commercial quantity, however, there is no substantial compliance of Section 52-A of the NDPS Act.</li> <li>5. Learned counsel for the applicant also submits that though the inventory was prepared but the same has been certified by Magistrate concerned by making an endorsement of "seen" in the inventory therefore, the concerned Magistrate has not applied his judicial mind while certifying the inventory.</li> <li>6. He also submits that though non-compliance of Section 52A of the NDPS is not fatal and will not vitiate the trial, but this aspect can be looked into while considering the bail. He further submits that the applicant has no criminal history and since there is no substantial compliance of Section 52 A of the NDPS Act, therefore, there are reasonable ground that applicant is not involved in the present case. He further submits that co-accused Bhagwant Singh Salal has already been granted bail on 14.05.2025. He further submits that since the charge sheet has been filed, as such, there is no need for custodial interrogation and the present applicant is languishing in jail since 03.03.2025.</li> <li>7. He further submits that since the present</li> </ol>

		<p>applicant has no previous criminal history, therefore, if the applicant is bailed out then there is no possibility that he will indulge in future in any such activity, therefore, the twin conditions, as stipulated under Section 37, are fulfilled.</p> <p>8. On the other side, Mr. V.S. Pal, learned AGA for the State has not disputed this fact that the inventory was certified by the Magistrate concerned by putting “seen”. He further submits that non-compliance of Section 52-A of the NDPS Act is not fatal but it will not vitiate the trial. He has also not disputed that co-accused has already been enlarged on bail and applicant has no previous criminal history.</p> <p>9. After hearing the arguments as advanced by learned counsel for the parties and further taking into consideration that since there is no substantial compliance of Section 52A NDPS Act and the twin conditions, as stipulated under Section 37, are fulfilled and furthermore, applicant has no criminal history, this Court is of the view that the applicant deserves for bail.</p> <p>10. Accordingly, without expressing any opinion on the merit of the case, the present bail application is allowed.</p> <p>11. Let the applicant “Harish Chandra Joshi, S/o late Laxmi Dutt Joshi” 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.</p> <p>12. It is made clear that the trial court may proceed and conclude the trial without being influence with the observations, as made above.</p> <p style="text-align: right;"><b>(Rakesh Thapliyal, J.)</b> 26.09.2025</p> <p>SKS</p>
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