SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010183932025 2026:UHC:7622 COURT'S OR JUDGE'S ORDERS
			BA1/2222/2025 Mohammad Atifuddin Alias Atif --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** Mr. Kaushal Pandey and Mr. Mehboob Rahi, learned counsel for the applicant. 2. Mr. B.C. Joshi, learned AGA for the State. 3. The instant bail application is moved by the present applicant-Mohammad Atifuddin @ Atif, S/o Fejuddin, R/o Bareilly for seeking regular bail in reference to first information report dated 23.05.2025 bearing FIR No.273 of 2025 P.S. Pathri, District Haridwar wherein the present applicant alongwith one Jitendra @ Guddu have been implicated for the offences punishable under Section 8/21 read with Section 29 of N.D.P.S. Act. 4. It is argued by learned counsel for the applicant that applicant is innocent and has been falsely implicated and the alleged contraband, as shown to be recovered, admittedly is commercial one, therefore, in such an eventuality Section 37 of the NDPS Act will come into his way. In reference to Section 37 of the NDPS Act, he submits that firstly the inventory though prepared at the time of search and seizure but have not been

			certified in the manner as provided under Rule of 2022 since the Magistrate concerned certified the inventory only by putting an endorsement of "seen", secondly there are in total eight prosecution witnesses and up till date not a single prosecution witness have been examined, thirdly, the applicant already suffered long incarceration as he is languishing in jail since last more than 14 months, therefore, taking into consideration the period of incarceration, the rider of Section 37 of N.D.P.S. Act may be dispensed with. He further submits that the applicant have criminal antecedents of the similar nature which pertains to N.D.P.S. Act in which he is already enlarged on bail. 5. On the other side, Mr. B.C. Joshi, learned AGA vehemently opposed the bail application and submits that since the alleged contraband, which is shown to be recovered is "smack" and is commercial one, therefore, in terms of Section 37 of the NDPS Act, the applicant does not deserve for bail. He also submits that the applicant does not deserve for bail also on the ground that applicant have criminal antecedent of two cases of similar nature and so far as the progress of the trial is concerned, he submits that there are few of witnesses to be examine and the appropriate direction can be issued to expedite the trial. 6. After hearing the submissions of learned counsel for the parties and taking into consideration that the alleged contraband as recovered from the present applicant is smack, which is commercial one and the applicant have criminal antecedents

			of similar nature and there is a rider of Section 37 of the N.D.P.S Act, therefore this Court is of the view that the applicant does not deserve for bail. Accordingly, the instant bail application is rejected. **(Rakesh Thapliyal, J.)** 21.08.2026 Arti