

HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.1 of 2026)

In

Criminal Appeal No.11 of 2026

Sanjay Singh KathayatAppellant

Versus

State of UttarakhandRespondent

Present:-

Mr. Amit Kapri, learned counsel for the appellant.

Mr. Siddhartha Bisht, learned AGA for the State.

With

Bail Application (IA No.1 of 2026)

In

Criminal Appeal No.12 of 2026

Chandan Singh KunwarAppellant

Versus

State of UttarakhandRespondent

Present:-

Mr. Amit Kapri, learned counsel for the appellant.

Mr. Siddhartha Bisht, learned AGA for the State.

Coram:Hon'ble Ravindra Maithani, J.

Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

Both the appeals arise from one common judgment and order dated 15.12.2025, passed in Special Sessions Trial No.68 of 2020, State vs. Sanjay Singh Kathayat and Special Sessions Trial No.67 of 2020, State vs. Chandan Singh Kunwar, by the court of learned Special Sessions Judge (NDPS Act)/Sessions Judge, Champawat. By it, the appellants have been convicted under Section

8/20 of Narcotics Drugs and Psychotropic Substances Act, 1985 and sentenced accordingly. The appellants seek bail in both these appeals.

2. Heard learned counsel for the parties and perused the record.

3. According to the prosecution case, *Charas* was recovered from the possession of the appellants on 12.08.2020.

4. Learned counsel for the appellants would submit that the entire case is false. The prosecution has not been able to prove its case. According to the prosecution case, specimen seal was prepared at the spot, but it bears the FIR number, which was lodged much after the alleged recovery.

5. Learned State counsel admits these facts.

6. The Court wanted to know as to how FIR number could be recorded in the specimen seal, which was prepared at the spot? There is no answer to it.

7. Having considered, this Court is of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

8. The bail applications are allowed.

9. The execution of sentence appealed against is suspended during the pendency of the appeal.

10. The appellants be released on bail, during the pendency of the appeal, on their executing a personal bond and furnishing two

reliable sureties, by each one of them, each of the like amount, to the satisfaction of the court concerned.

11. List in due course.

(Siddhartha Sah, J.)
25.05.2026

(Ravindra Maithani, J.)
25.05.2026

Akash