

HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.1 of 2026)

In

Criminal Appeal No.62 of 2026

Arshi

.....Appellant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Ayush Agrawal, Advocate for the appellant.
Mr. V. S. Rawat, learned A.G.A for the State.

Coram:Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and order dated 22.12.2025 and sentence order dated 05.01.2026, passed in Special Session Trial No.30 of 2019, State vs. Sajia and Another, by the court of learned 1st Additional District & Sessions Judge/Special Judge (N.D.P.S. Act), Nainital. By it, the appellant has been convicted under Section 8/22 of Narcotics Drugs and Psychotropic Substances Act, 1985 and sentenced accordingly. The appellant seeks bail in this appeal.

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

3. According to the prosecution case, narcotic substance was recovered from the possession of the appellant on 07.03.2019.

4. Learned counsel for the appellant submits that the entire case is false. The prosecution has not been able to prove its case. According to the prosecution case, check list, specimen seal and arrest memo were prepared at the spot, but they bear 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 check list, specimen seal and arrest memo, which were 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 application is allowed.

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

10. The appellant – Arshi be released on bail, during the pendency of the appeal, on her executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

11. List in due course.

(Siddhartha Sah, J.)
01.04.2026

(Ravindra Maithani, J.)
01.04.2026