

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

15TH JULY, 2022

Bail Application No.01 of 2022
in
CRIMINAL APPEAL NO.78 of 2022

Between:

Pooran Singh Adhikari ...Appellant

and

State of Uttarakhand. ...Respondent

Counsel for the Appellant : Mr. Ram Singh Sammal.

Counsel for the State/
Respondent : Mr. S.T. Bhardwaj, learned
Deputy Advocate General
assisted by Mrs. Shivangi
Gangwar, learned Brief
Holder for the State.

Hon'ble Alok Kumar Verma,J.

The appellant-Pooran Singh Adhikari has been convicted and sentenced to undergo rigorous imprisonment for a period of five years along with a fine of Rs.30,000/- for the offence under Section 8 read with Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 vide judgment dated 15.01.2022, passed by the learned 2nd Additional Sessions

Judge/Special Judge (N.D.P.S. Act), Nainital in Special Sessions Trial No.13 of 2015, "State vs. Pooran Singh".

2. Heard Mr. Ram Singh Sammal, the learned counsel for the appellant, and, Mr. S.T. Bhardwaj, the learned Deputy Advocate General for the State on Bail Application (IA No.1 of 2022).

3. Mr. Ram Singh Sammal, the learned counsel for the appellant, submitted that the appellant has been implicated in this matter; nothing was recovered from his possession; the alleged recovered Charas was around 700 grams, which is non-commercial quantity; there was no independent witness in the proceedings of the alleged recovery; there are substantial doubts about the conviction; the appellant has no criminal history; he is a permanent resident of District Nainital; he was on bail during the trial and the conditions of the bail were neither misused nor violated by him.

4. Even availing sufficient opportunity to file objection(s) to the bail application, objection(s) has not been filed so far. The learned counsel for the State opposed the bail application orally. However, he fairly conceded that the appellant was on bail during the trial and the conditions of the bail were neither misused nor violated by him.

5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the appellant-Pooran Singh Adhikari, provided he submits a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned.

6. List this case on 12.09.2022.

ALOK KUMAR VERMA, J.

Dt: 15.07.2022
JKJ/Pant