

HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application (IA No.1 of 2024)

In

Criminal Appeal No.308 of 2024

Aditya TyagiAppellant

Versus

State of UttarakhandRespondent

Present:-

Mr. Anugrah Massey, Advocate holding brief of Mr. Vivek Pathak, Advocate for the appellant.
Ms. Manisha Rana Singh, learned D.A.G. 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 14.05.2024, passed in Special Session Trial No.79 of 2021, State vs. Aditya Tyagi, by the court of learned Special Judge (N.D.P.S. Act)/1st Additional Sessions Judge, Roorkee, District Haridwar. 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, on 05.07.2021, narcotic substance was recovered from the possession of the appellant; he was arrested at the spot.

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, arrest memo was prepared at the spot, but it bears the FIR number, which was lodged much after the alleged recovery.

5. Learned State counsel admits this fact.

6. The Court wanted to know as to how FIR number could be recorded in arrest memo, 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 application is allowed.

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

10. The appellant be released on bail, during the pendency of the appeal, on his 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.)
20.05.2026

(Ravindra Maithani, J.)
20.05.2026