

HIGH COURT OF UTTARAKHAND AT NAINITAL

**Bail Application (IA) No.1 of 2025
In
Criminal Appeal No. 534 of 2025**

Smt. Bhagwan DeviAppellant

Vs.

State of Uttarakhand Respondent

Present : Mr. Amit Kapri, Advocate for the appellant.
Ms. Manisha Rana Singh, Deputy Advocate General for the State.

**With
Criminal Misc. Bail Application (IA) No.1 of 2025
In
Criminal Appeal No. 586 of 2025**

Lakhwindar SinghAppellant

Vs.

State of Uttarakhand Respondent

Present : Mr. Harsh Vardhan Dhanik, Advocate for the appellant.
Ms. Manisha Rana Singh, Deputy Advocate General for the State.

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

Hon'ble Ravindra Maithani, J. (Oral)

Since both these appeals arise from a common judgment and order, they are being heard together.

2. Instant appeals are preferred against the judgment and order dated 26.08.2025, passed in Special Sessions Trial No.04 of 2020 and Special Sessions Trial No.5 of 2020, State Vs. Mr. Lakhwindar Singh and State vs. Bhagwan Devi, respectively, by the court of Special Sessions Judge (NDPS Act)/Sessions Judge, Champawat. By it, the appellants have been convicted under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances

Act, 1985 and sentenced accordingly. The appellants seek bail during pendency of the appeal.

3. Heard on bail applications.

4. According to the FIR, on 10.09.2019, *Charas* was allegedly recovered from the possession of the appellants.

5. Learned counsel for the appellants submits that the entire case is false. They submit that according to the prosecution case, the sample seal was prepared at the spot, but it bears the FIR number, which was lodged much thereafter.

6. This fact is not denied by the learned State Counsel.

7. The Court wanted to know from learned State Counsel that, as to how the FIR number was recorded in the sample seal, when the FIR was admittedly lodged much thereafter? She has no answer to it.

8. Having considered this and other attending factors, we are of the view that these are the cases in which the execution of sentence should be suspended and the appellants be enlarged on bail.

9. The bail applications are allowed.

10. The execution of sentence, which is under challenge in these appeals shall remain suspended during the pendency of these appeals.

11. Let the appellants be released on bail, during pendency of these appeals on their executing a personal bond and furnishing two reliable sureties, each of the like amount, by each one of them, to the satisfaction of the court concerned.

12. List for final hearing in due course.

(Siddhartha Sah, J.) (Ravindra Maithani, J.)
25.03.2026

Sanjay