

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S
			<p><b><u>Bail Application (IA No. 03 of 2025)</u></b></p> <p><b><u>In</u></b>  <b><u>CRLA No. 714 of 2025</u></b></p> <p>Jitendra .....Appellant</p> <p style="text-align: center;">Vs.</p> <p>State of Uttarakhand .....Respondent</p> <p><b><u>Hon'ble Ashish Naithani, J.</u></b></p> <p>Ms. Reema Rana, learned Legal Aid Counsel for the Appellant.</p> <p>2. Mr. Rakesh Kumar Joshi, learned A.G.A. for the State of Uttarakhand.</p> <p>3. The present Criminal Appeal is against the judgment and order dated 01.03.2025, passed by the learned Special Sessions Judge (NDPS Act)/District and Sessions Judge, Champawat in Special Sessions Trial No. 35 of 2020, whereby the Appellant has been convicted under Sections 8/20 of the NDPS Act, 1985 and sentenced to undergo nine years of rigorous imprisonment along with a fine of Rs. 50,000/-, and in default of payment of fine, to further undergo one year of simple imprisonment.</p> <p>4. Today, the matter is listed for disposal of the bail application moved on behalf of the Appellant.</p> <p>5. Learned counsel for the Appellant submits that, for the purpose of consideration of bail, there were two accused persons allegedly involved in the possession of contraband (<i>charas</i>). One co-accused, namely Satyanarayan, from whose possession 450 grams of <i>charas</i> was recovered, and the present Appellant—Jitendra, from whose possession 1 kg of <i>charas</i> is alleged to have been recovered. It is further submitted that there are material discrepancies in the prosecution case. Firstly, the mandatory provisions of Section 42 of the NDPS Act, 1985 have not been</p>

complied with. Secondly, there are discrepancies regarding the weight of the contraband, as the person who allegedly weighed the contraband has not been examined as a witness, making it uncertain as to the exact quantity recovered. Besides this, no independent witness has been produced in the present matter.

6. Learned State Counsel, however, refutes the said submissions and submits that although it is stated that the present Appellant has no criminal history, the impugned judgment records that the Appellant-Jitendra was summoned from District Jail Bilaspur, Himachal Pradesh. Therefore, his criminal antecedents are required to be verified, and the same needs to be called for.

7. List this case on 23.04.2026.

**(Ashish Naithani, J.)**

15.04.2026

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