

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><b><u>Bail Application (IA No. 03 of 2025)</u></b>  <b><u>In</u></b>  <b><u>CRLA No. 714 of 2025</u></b>  Jitendra  --Appellant  <b>Versus</b>  State of Uttarakhand  --Respondent  <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. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand.</p> <p>3. The matter is taken up for hearing on the Bail Application filed by the Appellant.</p> <p>4. Heard learned counsel for the parties on Bail Application (I.A. No. 03 of 2025).</p> <p>5. The present Criminal Appeal has been preferred against the judgment of conviction and order of sentence dated 01.03.2025, passed by learned Special Sessions Judge (N.D.P.S. 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 N.D.P.S. Act and sentenced to undergo nine years' rigorous imprisonment along with a fine of Rs.50,000/- under Section 20(b)(ii)(B) of the Act and, in default of payment of fine, to undergo one year's simple imprisonment.</p> <p>6. Learned counsel for the Appellant submits that the weight of the recovered contraband, namely <i>Charas</i>, has been shown along with the polythene bag and if the weight of the polythene bag, stated to be about 5 grams, is excluded, the alleged recovery would still fall in the medium quantity. It is further submitted that mandatory provisions of the N.D.P.S. Act have not been complied with; no independent witness has been associated despite the</p>

alleged recovery having been made from a crowded place; there are material contradictions in the statements of prosecution witnesses; and the conviction has been recorded merely on assumptions and presumptions. On such grounds, prayer has been made for grant of bail during pendency of the appeal.

7. Per contra, learned State Counsel has opposed the Bail Application contending that the Appellant has criminal history in Himachal Pradesh and that he himself was driving the vehicle from which approximately one kilogram of *Charas* was recovered. It is submitted that the conviction has been recorded after full-fledged trial and considering the seriousness of the offence and evidence on record, no case for suspension of sentence and grant of bail is made out.

8. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the Appellant stands convicted after trial for offences under the N.D.P.S. Act and has been sentenced to undergo nine years' rigorous imprisonment. The recovery attributed to the Appellant is of substantial quantity of contraband and, *prima facie*, the grounds urged on behalf of the Appellant relating to appreciation of evidence, alleged contradictions and procedural infirmities are matters to be examined at the stage of final hearing of the appeal. At this stage, no exceptional circumstance has been shown warranting suspension of sentence.

9. This Court further finds that considering the gravity of the offence, the nature of recovery and the fact that the conviction rests upon a judgment rendered after appreciation of evidence by the Trial Court, sufficient grounds do not exist at this stage for grant of bail to the Appellant during pendency of the appeal.

10. Accordingly, the Bail Application (I.A. No. 03 of 2025) is rejected.

11. Summon the Trial Court Record.

12. List this case on 15.06.2026.

**(Ashish Naithani, J.)**

**23.04.2026**

Shiksha

--	--	--	--