

HIGH COURT OF UTTARAKHAND AT NAINITAL

IA No. 1 of 2025 (Bail Application)

In

Criminal Appeal No. 757 of 2025

Sukhvinder Singh @ Bittu

.....Appellant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. R.S. Sammal, Advocate for the appellant.

Mr. Pankaj Joshi, AGA for the State.

Hon'ble Ravindra Maithani, J.

The challenge in this appeal is made to the judgment and order dated 10.12.2025 recorded in Special Sessions Trial No. 29 of 2023, State of Uttarakhand v. Lobsang Khimal and others, by the court of Special Sessions Judge (NDPS), Pithoragarh. By it the appellant has been convicted under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to rigorous imprisonment for a period of ten years and a fine of Rs. 1,00,000/-, with default clause.

2. Heard.

3. Admit the appeal.

4. Call for the lower court record. Once the lower court record is received, let the paper book be prepared and be provided to the learned counsel for the parties, as per rules.

5. The appellant seeks bail during pendency of the appeal.

6. Heard learned counsel for the parties on bail application and perused the file.

7. Learned counsel for the appellant submits that, in fact, according to the prosecution case, the narcotic substance was recovered from co-convicts Lobsang Khimal and Sumit Kanyal and the appellant has been implicated based on the statements of the co-convicts that it is the appellant, who had provided them the narcotic substance. It is argued that there is no admissible evidence, which could establish that, in fact, the appellant is involved in the offence. It is also argued that the appellant was on bail during trial, which he never misused and the co-convicts have already been granted bail by this Court.

8. Learned State Counsel admits that the co-convicts, from whose possession the narcotic substance was recovered, have already been granted bail. But, according to him, they were sentenced to three years imprisonment. He also submits that the appellant has been implicated based on some financial transactions that were made by the co-convicts in the account of the appellant. He submits that the bail application may be decided based on the available material.

9. It is a stage of bail, post conviction. Much of the discussion is not expected of.

10. The co-convicts, from whose possession allegedly the narcotic substance was recovered, have already been granted bail. Admittedly, it is the prosecution case that the co-convicts named the appellant as the person, from whom they had brought the narcotic substance.

11. Having considered, this Court is of the view that it is a case in which the execution of the sentence should be suspended and the appellant be enlarged on bail.

12. The bail application is allowed.

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

14. Let 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.

15. List the criminal appeal for final hearing in due course.

(Ravindra Maithani, J)
02.01.2026

Avneet/