



Order Sheet

CRA No. 1382 of 2017

1. Homsai S/o Buddhu Ram Kanwar, Aged About 30 Years Occupation Cultivator, R/o Majira, Police Station Jaynagar, District Surajpur, Chhattisgarh.
 2. Anand Paikra S/o Bhogal Ram Kanwar, Aged About 50 Years Occupation Cultivator, R/o Majira, Police Station Jaynagar, District Surajpur, Chhattisgarh.
- Appellants**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Pratappur, District Surajpur, Chhattisgarh.

--- Respondent

29.05.2020	Mr. Ajay Kumar Pandey, counsel for the appellants. Mr. Sudeep Verma, Dy. G.A., for the State. Heard on I.A.No. 1/2019 for suspension of sentence and grant of bail to the appellants. The appellants stand convicted by the Judgment dated 13.07.2017 passed in CNR No.CGSJ010000632014 by Spl. Judge (NDPS Act) Surajpur for the offence punishable u/ss 22(b)(ii)(B) and 22(b)(ii)(B) read with section 29 of the Narcotic Drugs and Psychotropic Substances Act and sentenced to undergo R.I., for 5 years and R.I., for 5 years respectively and pay a fine of Rs.20,000/- each, in default of payment of fine, to further undergo additional R.I., for 6 months. Learned counsel for the appellants would submit that by now the appellants have already completed jail sentence of 2 years & 10 months and the hearing of appeal on merits will take time, therefore, the substantive jail sentence of the appellants may be suspended and they may be released on bail. Per contra, learned State Counsel opposes the prayer. However, he do not dispute the fact that the appellants have completed half of the jail sentence. Considering the fact that the maximum term of sentence awarded to the appellants is R.I., for 5 years each and they have already completed more than 50% of the jail sentence and further considering the fact that the appeal is of the year 2017 and final hearing will likely to take time, I am inclined to suspend the remaining sentence and release him on bail subject to payment of fine of Rs.5000/- each and furnishing bail bonds.	



2026:CGHC3942

Accordingly, I.A.No.1/2019 is allowed and it is directed execution of further substantive jail sentence of the appellants shall remain suspended and they shall be released on bail on each of them depositing the fine amount of Rs.5000/- and executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **28th August 2020**. They shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to them by the said Court till the disposal of the appeal.

Cc as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

R a o