



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 36 of 2019

Purushottam Verma, S/o. Sen Kumar Verma, Aged About 23 Years, R/o Juda, Police Station Kasdol District Baloda Bazar Chhattisgarh.

--- **Appellant.**

Versus

State Chhattisgarh, Through : Station House Officer, Police Of Police Station-Sankra, District Mahasamund Chhattisgarh.

--- **Respondent**

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01/02/2019	Mr. Yogesh Chandra, counsel for the appellant. Mr. Avinash K. Mishra, P.L. for the State. Heard on I.A. No.1/19, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction and order of sentence dated 24.12.2018, in Special Criminal Case (N.D.P.S. Act) No. H-21/2017, passed by the Learned Special Judge, (N.D.P.S. Act), Mahasamund, District – Mahasamund (C.G.) in the following manner :- <table border="1"> <tr> <td>U/s. 20 (B) (ii) (B) of N.D.P.S. Act</td><td>: R.I. for 3 years and fine of Rs.10000/- and in default of payment of fine, six months R.I. more</td></tr> </table> Learned counsel appearing for the appellant would submit that the appellant has been erroneously convicted by the trial Court without there being any support of prosecution witnesses. No case is made out against the appellant for his conviction. The appellant had been on bail during the pendency of trial against him. The independent witnesses of search and seizure have not supported the prosecution case. Further the conviction also suffers from the illegality as it is against the ratio laid down by the Hon'ble Supreme Court in case of <i>Mohan Lal Vs. State of Punjab, reported in (2018) 2 SCeJ 1314</i>. Appellant is hopeful to succeed in this appeal. There is no likelihood of this appeal to be taken up for hearing in near future. Hence, it is prayed that the sentence of	U/s. 20 (B) (ii) (B) of N.D.P.S. Act	: R.I. for 3 years and fine of Rs.10000/- and in default of payment of fine, six months R.I. more
U/s. 20 (B) (ii) (B) of N.D.P.S. Act	: R.I. for 3 years and fine of Rs.10000/- and in default of payment of fine, six months R.I. more		



balram	imprisonment against the appellant be suspended and he may be enlarged on bail. Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail. I have heard the learned counsel for the parties and perused the record of the trial Court. After perusing the evidence of search and seizure witnesses and I.O. present on the record of the trial Court and further taking into consideration this fact that there is no likelihood of this appeal being heard in near future, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellant on bail. Accordingly, I.A. No.1/2019, application for suspension of sentence and grant of bail is allowed. Execution of substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on <u>4th April, 2019</u>. He 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 him by the said Court, till the disposal of this appeal. Certified copy as per rules. Sd/- (Rajendra Chandra Singh Samant) Judge
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