



2026:CGHC:9156



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA 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.,
District : Balodabazar-Bhathapara, Chhattisgarh

... Appellant

versus

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

... Respondent(s)

For Appellant : Mr. Yogesh Chandra, Advocate

For Respondent(s) : Mr. Rajkumar Sahu, Panel Lawyer

Hon'ble Shri Justice Arvind Kumar Verma

Judgment on Board

20/02/2026

1. This criminal appeal has been filed under Section 374 (2) of Cr.P.C., 1973 by the appellant against the judgment of conviction and order of sentence dated 24.12.2018 passed by the learned Special Judge (N.D.P.S. Act), Mahasamund (C.G.), in Special



Criminal Case (NDPS Act) No. H-21/2017, whereby the appellant has been convicted and sentenced as follows:-

Convicted	Sentenced to
U/s 20(b)(ii)(B) of N.D.P.S. Act, 1985	R.I. for 3 years with fine of Rs. 10,000/-, in default of payment of fine, additional R.I. for 6 months.

2. The prosecution case, in brief, is that Assistant Sub-Inspector Teerthraj Gunendra received information from an informer on 06.06.2017 that a person was transporting illegal narcotic substance (ganja), tied in a plastic sack, for the purpose of sale from village Bhandarpur towards Udeesa (Odisha). Upon receiving the information, witnesses Lokesh Rana and Parmanand Netam were called. Through Constable No. 469 Sardar Suraj Kurre, the information memo and a search panchnama (without warrant) were prepared and sent to the police station. Constable No. 354 Rajendra Chauhan was sent to the SDOP Office, Pithora. Thereafter, Assistant Sub-Inspector Teerthraj Gunendra, along with the police staff and witnesses, proceeded towards village Bhatdevari near the overbridge on Saraipali Road Chowk for verification of the information and further action. After some time, a person was seen coming from the Saraipali side on a motorcycle, carrying a white plastic sack tied with a rope on the rear seat of the motorcycle. He was stopped and questioned, and he disclosed his name as Purushottam (caste Hona). Thereafter, a notice under Section 50 of the NDPS Act was served upon him and his consent for search



was obtained. A search of the accused, police staff, witnesses, and the vehicle was conducted, but no objectionable article was found on his person. Subsequently, a search of the plastic sack tied to Motorcycle No. CG-04-KB-6876 was conducted. Inside the sack, a brown-colored polythene packet containing a narcotic substance resembling ganja was found. Upon smelling, rubbing, crushing, and burning it, it was confirmed to be ganja. For the purpose of weighing the seized ganja, weighman Taresh Das was called by serving notice. He arrived at the spot with his electronic weighing scale. The scale was physically verified and found to be accurate. The ganja recovered from the accused was weighed by Taresh Das. The net weight of the ganja was found to be 7 kilograms, and when weighed along with the sack, it was found to be 7 kilograms 200 grams. From the seized ganja, for chemical testing, 100 grams were placed in a separate container and sealed, with the sample marked "A" on each sample. The marijuana, sample packets, and motorcycle recovered from the accused were seized and a seizure memo was prepared. A site map of the scene was prepared. Upon finding evidence of incrimination against the accused, he was arrested in the presence of witnesses, and an arrest memo was prepared. His family member, Sen Kumar Verma, was informed of his arrest. Upon returning to Sankara Police Station, a First Information Report (FIR) was filed against the accused under Crime Mark 87/17, Section 20B of the NDPS Act. The seized marijuana, sample packets, and motorcy-



cle were handed over to Mal Munshi Mohan Sahu for safekeeping in the police station's storeroom. During the investigation, the statements of the witnesses were recorded as directed by them. A report of the entire proceedings was prepared and sent to the SDOP office in Pithora. The seized marijuana sample packet was sent to the Forensic Science Laboratory in Raipur for testing, where the test report confirmed the sample to be marijuana. A panchnama and inventory of the proceedings were prepared through the concerned Executive Magistrate. Following a thorough investigation, evidence of guilt was found against the accused, and a charge sheet was presented in this court on 04.08.2017.

3. The learned Special Judge (NDPS) Durg (C.G.), after appreciating oral and documentary evidence available on record vide judgment dated 24.12.2018, convicted the appellant for the offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. and sentenced them as mentioned in opening paragraph of this order.
4. The appellant was in jail from 07.06.2017 to 23.02.2018 and from 24.12.2018 to 01.02.2019 (around 9 months).
5. Learned counsel for the appellant would submit that the appellant is innocent person and has been falsely implicated in the afore-said case and the mandatory provisions have not been followed by the prosecution. The judgment of the Trial Court is bad in law as well as on facts. The learned Trial Court ought not to have convicted and sentenced the appellants and ought to have given the



benefit of doubt since the evidence submitted by the prosecution is very shaky and unbelievable. The Trial Court failed to appreciate the evidence and documents available on record.

6. Learned counsel for the appellants submits that he does not want to press this appeal on merits and confine his arguments to the sentence part thereof only. Further, he submits that the appellant has already undergone half of the sentence awarded by the trial Court. There is also no previous criminal antecedents against the appellant. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
7. Learned Panel Lawyer appearing for the respondent/State, submits that the Trial Court has rightly convicted and sentenced the appellants, in which no interference is called for.
8. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. From perusal of the records, The prosecution case, in brief, is that Assistant Sub-Inspector Teerthraj Gunendra received information from an informer on 06.06.2017 that a person was transporting illegal narcotic substance (ganja), tied in a plastic sack, for the purpose of sale from village Bhandarpur towards Udeesa (Odisha). Upon receiving the information, witnesses Lokesh Rana and Parmanand Netam were called. Through Constable No. 469 Sardar Suraj Kurre, the information memo and a search panchnama (without warrant) were prepared and sent to the police station.



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evidence adduced by the prosecution, I am of the view that the Trial Court did not commit any illegality or infirmity in the findings recorded by Trial Court as regards conviction of the appellants under Section 20(b)(ii)(B) of the N.D.P.S.

10. Therefore, the essence of the above discussion is that the Investigating Officer in this case appears to have followed all the mandatory and directive provisions of the NDPS Act. There is no concrete reason to disbelieve the evidence of the Investigating Officer and other witnesses and the action taken by them. The accused did not produce any valid license or document in relation to the narcotic substance recovered from his possession. Therefore, it is proved that the appellant possessed 7 kg of ganja in violation of the provisions of the NDPS Act.
11. As regards the sentence awarded to the appellant. Considering the fact that the appellant is facing criminal trial since 2015, considering the age of the appellant at present and further considering the quantity of contraband seized from the possession of appellant i.e. 7 kg contraband(ganja), which is intermediate quantity and there is no previous criminal antecedents and further the appellant has remained in jail for about 9 months, therefore, this Court is of the opinion that in the interest of justice, the sentence imposed upon the appellant is reduced to the period already undergone by the appellant under Section 20(b)(ii)(B). However, fine imposed by trial Court is maintained.



12. With the aforesaid observations, the criminal appeal is **allowed in**

part. The appellant is held guilty of committing offence under Section 20(b)(ii)(B) of NDPS Act and is convicted for the said offence. However, the sentence is reduced to the period already undergone by him. The appellant is reported to be on bail. Surety and personal bond earlier furnished at the time of suspension of sentence shall remain operative for a period of six months in view of the provisions of Section 437-A Cr.P.C.

13. Let a copy of this order and the original records be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)

Judge

Madhurima