



2026:CGHC:10482

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 894 of 2017

**1 - Bharat Lal Sahu S/o Dilbandhu Aged About 24 Years R/o Village Rairuma Khurd,
Police Station Dharamjaigarh, District Raigarh, Chhattisgarh, Chhattisgarh**

... Appellant

versus

**1 - State Of Chhattisgarh Through Station House Officer, Police Station Sitapur,
District Sarguja, Chhattisgarh, Chhattisgarh**

... Respondent/State

For Appellant : Mr. Rakesh Kumar Manikpuri, Advocate
For State : Mr. Rajkumar Sahu, PL

Hon'ble Shri Justice Arvind Kumar Verma

Judgement on Board

28.02.2026

1. This appeal is preferred under Section 374 (2) of the Code of Criminal Procedure, 1973 against the judgment dated 03.06.2017 passed by learned Special Judge (NDPS Act) Ambikapur, District- Sarguja (C.G.) in Special Criminal Case No. 02/2013, wherein the said Court convicted the appellant and sentenced him as under:-

Conviction	Sentence
U/S 20 (ii) (B) of NDPS Act	R.I for 02 years with fine amount of Rs. 15,000/-, in default of payment of fine, to undergo further R.I. for six months.



2. Today, no one appeared on behalf of the appellant when the matter was called out. I, therefore, this Court deems it appropriate to decide the appeal by appointing a counsel from the High Court Legal Aid Committee. Mr. Rakesh Kumar Manikpuri, empanelled legal aid counsel, is hereby appointed as a counsel for the appellant to argue the appeal on his behalf. The Secretary, High Court legal Aid Committee is directed to issue authorization letter in his favour. I have gone through the judgment under appeal and the depositions of witnesses and exhibits assisted by Mr. Rakesh Kumar Manikpuri through the High Court Legal Services Committee and Learned State Counsel. In view of (2014) 14 SCC 222 (Surya Baksh Singh v.State of Uttar Pradesh). I do not consider it necessary to adjourn the case and issue fresh notice to the appellant as his interest has been duly taken care of by nominating another Counsel from the High Court Legal Services Committee.
3. As per case of the prosecution, on 07.02.2013 at about 11:20 O' clock Hemlata Mandwani has received a secret information through the informant that contraband article ganja was kept illegally by the accused in one plastic bag 800 gram and in second plastic bag 700 gram i.e., total 1.500 kg ganja. Upon receiving of this secret information, she recorded the secret information and prepared Mukhbir Suchna Panchnama in presence of the witnesses. She also informed about this information to the higher officials, thereafter she reached the spot along with the witness. In compliance of Section 50 of the NDPS Act he gave notice to the appellant and obtained his consent for search. After completion of other formalities she returned to the police station along with the seized property in Malkhana. The samples of seized



cannabis were sent to FSL for its chemical examination. After completion of due and necessary investigation, a charge-sheet was filed by the police.

4. To robe the appellant in the crime in question, prosecution has examined as many as 10 witnesses. In the statement of the appellant recorded under Section 313 Cr.P.C., the appellant pleaded his innocence and false implication in the case.
5. Learned Trial Court after hearing the counsel for the respective parties and considering the material available on record, has convicted and sentenced the accused/appellant as mentioned in inaugural para of this judgment.
6. Learned counsel for the appellant 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 at present is aged about 33 and he is facing criminal trial since 2013 and has already undergone more than 15 days' jail sentence awarded by the trial Court in NDPS Case No. 02/2013. 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. *Ex adverso*, learned counsel for the respondent/State supporting the impugned judgment submits that learned Trial Court after minutely appreciating the oral and documentary evidence has rightly convicted and sentenced the appellant. So, there is no scope for interference by this Court. This appeal being without any merit is liable to be dismissed.



8. I have heard learned counsel for the parties and perused the material available on record including the impugned judgment.
9. From perusal of the records, it transpires that on 07.02.2013 Station House Officer received information that appellant was carrying Ganja in plastic bag and was coming from Pathalgaon and going towards Sitapur for selling the contraband article ganja. After receiving the above said information the concerned officer along with her staff reached the spot where they seized 1.500 kg ganja from the appellant and thereafter a charge sheet has been filed against the present appellant. After following the due processes, chargesheet was submitted before the learned Special Judge who convicted the appellant under Section 20(ii)(B) of the NDPS Act, 1985 and sentenced him to undergo Rigorous Imprisonment for 2 years and fine of Rs. 15,000/-. Considering the material available on record and the 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 appellant under Section 20(ii)(B) of the NDPS Act, 1985.
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 1.500 kg of ganja in violation of the provisions of the NDPS Act.



11. As regards the sentence, keeping in view the facts that incident took place in the year 2013 and nearly 13 years have rolled by since then. The appellant is now aged about 33 years; and out of 2 years of jail sentence, the appellant has already undergone more than 15 days' of jail sentence and he did not misuse the liberty so granted to him, while being on bail, however he has no criminal antecedents and he is facing the *lis* since 2013 i.e., for about more than 13 years and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him is reduced to the period already undergone by him.
12. *Ex consequenti*, the appeal is **partly allowed**. Conviction of the appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. However, the fine amount imposed by the Trial Court shall remain intact. The impugned judgment stands modified to the above extent. He be released forthwith if not required in any other case.
13. The appellant is reported to be on bail, therefore, his bail bond shall remain in operation for a period of six months from today in view of provision of Section 481 of BNSS, 2023.
14. The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Arvind Kumar Verma)

JUDGE