



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 1230 of 2017

Girdhari Yadav, S/o. Videshi Yadav, Aged About 27 Years, Occupation -Labourer,
R/o. Village Tora, P. S. Sariya, District -Raigarh, Chhattisgarh.

--- Appellants.

Versus

State Of Chhattisgarh, Through : the Police Station Sariya, District. Raigarh
Chhattisgarh.

---Respondent

AND**CR.A. No. 1359 of 2017**

Lalit Nishad, S/o. Hadu Nishad, aged about 33 years, Occupation – Agriculturist,
R/o. Village – Korra, P.S. - Sariya, District – Raigarh (C.G.)

--- Appellants.

Versus

State Of Chhattisgarh, Through the Police Station Sariya, District. Raigarh
Chhattisgarh.

---Respondent

23/08/2018	Mr. Raghavendra Pradhan, counsel for the appellants. Mr. Ashok Swarnakar, Panel Lawyer for the State. Heard on I.A. No.1/2017, application for suspension of sentence and grant of bail in both the cases. Appellants have been convicted by the judgment of conviction and order of sentence dated 29.07.2017, passed in Special Case No. N.D.P.S. Act/201600000/15/2016, by the learned Special Judge (N.D.P.S. Act) Raigarh, District – Raigarh (C.G.) in the following manner :- <table><tr><td>U/s. 20 (b) (ii) (b) of N.D.P.S. Act</td><td>:</td><td>R.I. for 6 years and fine of Rs.5,000/- and in default of payment of fine, further under go 6 months of R.I.</td></tr></table>	U/s. 20 (b) (ii) (b) of N.D.P.S. Act	:	R.I. for 6 years and fine of Rs.5,000/- and in default of payment of fine, further under go 6 months of R.I.
U/s. 20 (b) (ii) (b) of N.D.P.S. Act	:	R.I. for 6 years and fine of Rs.5,000/- and in default of payment of fine, further under go 6 months of R.I.		



balram	Learned counsel appearing for the appellants would submit that the appellants have been erroneously convicted by the trial Court. The independent witnesses of search and seizure have turned hostile and the conviction is based only on the evidence of the Investigating Officer. Appellants are hopeful to succeed in this appeal. They are in jail since more than two years. Hence, it is prayed that the sentence of imprisonment against the appellants be suspended and they may be enlarged on bail. Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail. Perused the record of the trial Court. After due consideration on all the evidence present in the prosecution case on which basis, the appellants have been convicted, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellants on bail. Accordingly, I.A. Nos.1/2017, application for suspension of sentence and grant of bail, are allowed. Execution of substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on their executing a personal bond for a sum Rs.25,000/- with one surety each for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on <u>29th October, 2018</u>. 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 this appeal. Certified copy as per rules. Sd/- (Rajendra Chandra Singh Samant) Judge
--------	---