

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 209 of 2022**

Ghanshyam Agrawal S/o Late Maniklal Aged About 49 Years R/o Village-
Ranveerpur, Police Station-Sahaspur Lohara, District- Kabirdham, Chhattisgarh,
District : Kawardha (Kabirdham), Chhattisgarh

---- Appellant**Versus**

State Of Chhattisgarh Through- Station House Officer, Excise Circle Sahaspur
Lohara, District- Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham),
Chhattisgarh

---- Respondent

17/02/2022	Mr. Dharmesh Shrivastava, Counsel for the appellant. Mr. Kasif Shakeel, Govt. Advocate for the State. Heard on I.A. No. 01 of 2022, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 19.01.2022 passed by the Special Judge (NDPS), Kawardha (C.G.) in Special Criminal Case No. 76/2017, the appellant stands convicted and sentenced as under: <table border="1"> <thead> <tr> <th>Conviction</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>Under Section 20 (b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act, 1985.</td><td>R.I. for 2 years and fine of Rs. 20,000/-, in default of payment of fine additional R.I. for 4 months.</td></tr> </tbody> </table> Considering the facts and circumstances of the case, looking to the custody of the present appellant during trial from 21.08.2017 to 12.12.2017 and thereafter from 19.01.2022 till now, short sentence of 2 years awarded	Conviction	Sentence	Under Section 20 (b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act, 1985.	R.I. for 2 years and fine of Rs. 20,000/-, in default of payment of fine additional R.I. for 4 months.
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to the appellant, he was on bail during trial and did not misuse the liberty; the material available on record and disposal of the appeal is likely to take sometime, without expressing anything on merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the applicant and to release him on bail.

Accordingly, the application **(I.A. No. 01/2022)** is **allowed**.

It is directed that the execution of substantive jail sentence imposed upon the applicant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal **bond** in the sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the trial Court for his appearance before the Registry of this Court **13th June, 2022**. 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 disposal of this appeal.

List this case for final hearing in its due course.

Sd/-
(Gautam Chourdiya)
Judge