

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 171 of 2021

1. Surendra Kumar Son Of Gendlal Sahu Aged About 40 Years Resident Of Ward No. 38, Basantpur, Police Station- Basantpur, District- Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh
2. Tarak Mandal Son Of Pulin Mandal Aged About 40 Years Resident Of Padmagiri, Police Station And District- Malkangiri (Odisha), District : Malkangiri *, Orissa

---- Appellants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Chhuikhadan, District- Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh.

---- Respondent

22/09/2022	Ms. Sharmila Singhai, Senior advocate assisted by Mr. Kanwaljeet Singh Saini & Ms. Iturani Mukherjee, counsel for the respective appellants. Mr. Alok Nigam, G.A. for the State. Heard on I.A. No.01/2021 which is an application for suspension of sentence and grant of bail to the appellants. By the impugned judgment dated 30.01.2021 passed by the learned Special Judge (NDPS Act), Rajnandgaon (C.G.) in Special NDPS Case No. 11/2018, whereby the appellants have been convicted and sentenced as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 20(B) (ii)(C) of the NDPS Act</td><td>R.I. for 10-10 years with fine of Rs. 1,00,000/-- 1,00,000/- and in default of payment of fine amount additional R.I. for 1-1 year</td></tr></table>	Conviction	Sentence	Under Section 20(B) (ii)(C) of the NDPS Act	R.I. for 10-10 years with fine of Rs. 1,00,000/-- 1,00,000/- and in default of payment of fine amount additional R.I. for 1-1 year
Conviction	Sentence				
Under Section 20(B) (ii)(C) of the NDPS Act	R.I. for 10-10 years with fine of Rs. 1,00,000/-- 1,00,000/- and in default of payment of fine amount additional R.I. for 1-1 year				

Ms. Sharmila Singhai, Senior advocate appearing for the appellants submits that the appellants are innocent and have been falsely implicated in the case. She further submits that seizure witnesses as well as independent witnesses did not support the prosecution case and have declared hostile. It is further submitted that the appellants are in jail since 30.01.2021 and the disposal of this appeal is likely to take some time, therefore, the appellants may be enlarged on bail.

On the other hand, learned State counsel opposes the bail application.

Heard learned counsel for the parties and perused the record.

Considering the facts and circumstances of the case, the nature and quality of evidence available on record and the detention period of the appellants, the application is allowed and it is directed that the substantive jail sentence imposed upon the appellants shall remain suspended and they shall be released on bail subject to deposit of the entire fine amount by each appellant with the trial Court and on their executing a personal bond for a sum of Rs. 50,000/- each, with one local surety for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **1st November, 2022**. They shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and thereafter, continue to appear before the trial Court on all such subsequent dates as are given to them by the said Court till disposal of these appeals.

List this case for final hearing in due course.

Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge