



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 359 of 2017

1. Ashish Kumar Soni S/o Shri Brijkishore Soni, aged 26 years, residence of Mission Chowk Kedarpur Ambikapur, thana Ambikapur, Civil & Revenue, District Surguja, Chhattisgarh.
2. Abhishek Albert S/o late Shri Albert, aged about 26 years, residence of Mission Chowk Kedarpur Ambikapur, thana Ambikapur, Civil & Revenue, District Surguja, Chhattisgarh.

---- Appellants (in Jail)**Versus**

State of Chhattisgarh, through the District Magistrate, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

06/03/2017	Shri Sunil Sahu, Advocate for the appellants. Shri Vivek Singhal, Panel Lawyer for the State/ respondent. Heard on admission. Admit. Issue notice to the respondent/ State. Shri Vivek Singhal, Panel Lawyer accepts notice on behalf of the State/ respondent. Also heard on I.A. No. 1 of 2017, an application for	



suspension of sentence and grant of bail to the appellant.

By the impugned judgment dated 31.1.2017 passed by the Learned Special Judge (NDPS Act), Chhattisgarh in Special Criminal Case No.18 of 2010, the appellants stand convicted under Section 20(b)(ii)(b) of the NDPS Act, 1985 and sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs.10,000/- each, in default of payment of fine, to further undergo RI for six months.

Learned counsel for the appellants submits that the appellants have been convicted on the basis of the evidence given by the sole witness Inspector, R.K. Mishad, the Investigating Officer (PW-7) of this case. No other witness has supported the prosecution case. The appellants were on bail during the trial, however, now they are in custody pursuant to their conviction by the court below. The appeal is likely to take some time for final disposal and therefore, they be released on bail.

On the other hand, learned counsel for the State opposed the bail application.

Considering the totality of the facts and circumstances of the case, this court is of the opinion that it is a fit case where the appellants should be enlarged on bail.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon appellants shall remain suspended during the pendency of this



appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- with one surety in like sum to the satisfaction of the concerned trial Court for their appearance before the Registry of this Court on **21.06.2017** and thereafter before the concerned trial Court on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

Call for the records of the Court below.

List this appeal for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)
Judge