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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 758 of 2018

Sundar Mandavi S/o Panchram Aged About 35 Years R/o- Village Hindubinapaal, Police Station Raavghat, District- Kanker, Chhattisgarh.

... Appellant.

versus

The State Of Chhattisgarh Through- The Police Station- Raavghat, District- Kanker, Chhattisgarh.

---- Respondent

CRA No. 276 of 2019

Myaram Anchala S/o Desiram Aged About 34 Years R/o Village Hindubinapal, Thana Ravghat District Kanker Chhattisgarh.

---Appellant.

Versus

The State Of Chhattisgarh Through The Police Station Ravghat, District -U.B. Kanker Chhattisgarh.

For the Appellant : Mr. Amit Sahu, Advocate (In CRA No.758/2018)

For the Appellant : Ms. Bhavika Kotecha, Advocate on behalf of Mr.

Parag Kotecha, Advocate (In CRA No.276/2019)

For the State/Respondent : Mr. Rishiraj Pithawa, Dy. GA.



Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

17.02.2026

1. Since above two appeals arising out of same incident/offence, they are being disposed of by this common order.
2. Challenge in **criminal appeal No.758/2018** is to the impugned judgment of conviction and sentence dated 02.05.2018 passed in Special Case (NDPS Act) No.61/2016, by which, learned Special Judge, (NDPS Act), North Bastar, Kanker, (CG), convicted the appellant for offence punishable under Section 20(B)(ii)(b) of the NDPS Act and sentenced him to undergo maximum RI for 02 years and fine of Rs.2,000/-, in default to undergo additional RI for 03 months.
3. Challenge in **criminal appeal No.276/2019** is to the impugned judgment of conviction and sentence dated 05.02.2019 passed in Special (NDPS Act) Case No.61/2016, by which, learned Special Judge, (NDPS Act), U.B. Kanker, (CG), convicted the appellant for offence punishable under Section 20(b)(ii)(b) of the NDPS Act and sentenced him to undergo maximum RI for 02 years and fine of Rs.2,000/-, in default to undergo additional RI for 03 months.
4. Case of prosecution, in brief, is that on 24.09.2016, based on secret information, the Police intercepted the motorcycle of appellants and during search seized/recovered 2.300 kg of illicit



contraband (ganja) from them, (1.300 kg from appellant-Sundar Mandavi and 01 kg from appellant-Myaram Anchala). On the basis of seizure, they were arrested under the NDPS Act. After completion of other necessary formalities, Police returned to the Police Station and deposited the seized contraband (ganja) in Malkhana and lodged FIR against the appellants-accused.

5. After completion of investigation, charge-sheet was filed and trial Court framed the charges against the appellants for offence under the Act of NDPS Act.
6. In order to prove guilt of appellants, prosecution examined total 09 witnesses and their statements were recorded. However, no defence witnesses was examined. Statement of appellants (accused) were recorded under Section 313 CrPC in which they pleaded innocence and false implication.
7. After completion of trial, trial Court convicted and sentenced the appellants as mentioned in paragraph -1 of this judgment. Hence, this appeal.
8. Learned counsel for the appellants submits that they are not pressing these appeals on merits and confining their arguments to the quantum of sentence only. They contended that quantity of contraband (ganja) seized from the appellants is an intermediate quantity. Out of 02 years of jail sentence,



appellant-Sundar Mandavi has already served about 01 year, 07 months and 24 days of jail sentence, whereas appellant-Myaram Anchala has served about 04 months and 06 days of jail sentence; they do not have any previous criminal incident, hence, it is prayed that sentence awarded to appellants be reduced to the period already undergone by them.

9. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that the trial Court has rightly convicted and sentenced the appellants and, therefore, the impugned judgment does not call for any interference.
10. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
11. Though learned counsel for the appellants have not challenged conviction of appellants and restricted their prayer only with regard to reduction of sentence as undergone, but still this Court deems it appropriate to examine the impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.
12. Perusal of impugned judgment reveals that trial Court has discussed about the compliance of mandatory provisions of the NDPS Act and held that all the mandatory provisions under the NDPS Act had been complied with and after elaborately



considering evidence of each individual material witness has observed that prosecution has proved its case beyond reasonable doubt against appellants herein and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that the appellants are guilty for the aforementioned offence.

13. As regards quantum of sentence, considering total quantity of contraband (ganja) seized from the appellants, i.e ,2.300 kg only, further the fact that appellant-Sundar Mandavi has already served about 01 year, 07 months and 24 days of jail sentence, whereas appellant-Myaram Anchala has served about 04 months and 06 days of jail sentence; they do not have any previous antecedents in similar nature, incident is of the year 2016, i.e., more than 09 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending the appellants to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to the appellants is reduced to the period already undergone by them.

14. In the result, above appeals are allowed in part. Conviction of appellants under Section 20(B)(ii)(b) of the NDPS Act is hereby affirmed; sentence imposed upon the appellants under aforesaid Section is hereby modified and reduced to the period



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already undergone by them. However fine amount imposed upon the appellants shall remain intact.

15. Record of trial Court alongwith copy of this judgment be sent back immediately to trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-