



2026:CGHC:20483

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 470 of 2026

- Sundar Singh, S/o Jaymal Singh, aged about 25 Years, R/o Behind Gurudwara, Shyam Nagar, Police Station - Telibandha, District - Raipur Chhattisgarh. **...Appellant**

versus

- State of Chhattisgarh, Through Police Station - Telibandha, District - Raipur Chhattisgarh. **... Respondent**

For Appellant	:	Mr. H.A.P.S. Bhatia, Advocate.
For Respondent/State	:	Mr. Dharmesh Shrivastava, Deputy A.G. and Mr. Amit Verma, Panel Lawyer.

Hon'ble Shri Justice Radhakishan Agrawal

Judgment on Board

01.05.2026

1. This criminal appeal arises out of the judgment of conviction and order of sentence dated 31.01.2026 passed by the learned Special Judge (NDPS Act), Raipur, District Raipur (C.G.), in Special Criminal Case No.84/2020, whereby the appellant has been convicted for the offences under Sections 15(b) and 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act of 1985') and sentenced to undergo rigorous imprisonment for six years along with a fine of Rs. 60,000/- each; in default of payment of fine, to further undergo additional rigorous imprisonment for six months for each offence.
2. Case of the prosecution, in brief, is that on 27.10.2020 at about 12:35 PM, PW-9 Divya Sharma, Investigating Officer, received secret



information that the appellant was in possession of illegal intoxicating substances, namely *doda*/poppy straw and opium, and was involved in their illegal sale. Acting upon the said information, the Investigating Officer (PW-9), after complying with the required legal formalities, proceeded to the spot along with independent witnesses and the police party. Upon reaching the spot, the appellant was found present near his house. After following due procedure, a search was conducted, during which, contraband substances were recovered from his possession. The recovered substances included *doda*/poppy straw weighing 6 kilograms and opium weighing 1.590 kilograms. The seized articles were duly weighed, sealed, and seized in accordance with law in the presence of witnesses. Thereafter, upon completion of necessary formalities, an FIR (Ex.P-43) was registered against the present appellant.

3. After completion of investigation, charge-sheet was filed before the learned Special Judge (NDPS Act), Raipur (C.G.). The accused abjured the charges and pleaded not guilty.
4. Learned trial Court, after appreciation of oral and documentary evidence, convicted and sentenced the appellant as mentioned in para 1 of this judgment. Hence, this appeal.
5. Learned counsel for the appellant submits that he does not want to challenge the conviction of the appellant and confines his arguments only to the sentence part only, which, according to him, is on the higher side. He submits that the appellant is suffering from chronic kidney disease (Stage-5) and was advised to undergo renal transplant surgery, which has been performed on 17.04.2026 at Hyderabad, Telangana. It is further submitted that the doctors have advised the



appellant to remain in isolation for a period of at least four months and to remain under regular follow-up in the Nephrology Department, and at present, the appellant is on interim bail on medical grounds. It is further submitted that the appellant remained in custody from 28.10.2020 to 19.03.2021 and from 31.01.2026 to 16.02.2026, i.e., for a total period of 5 months and 8 days, he has no criminal antecedents, is a young boy aged about 25 years, and has been facing the *lis* since October, 2020. It is also submitted that during trial, the appellant was on bail and did not misuse the liberty granted to him. He also submits that the fine amount has already been deposited before the concerned trial Court and that no minimum sentence is prescribed for the aforesaid offences. Therefore, considering the medical condition of the appellant, it is prayed that the sentence of imprisonment awarded to the appellant be reduced to the period already undergone by him.

6. On the contrary, learned counsel for the State supports the impugned judgment.
7. I have heard learned counsel appearing on behalf of the parties and perused the record.
8. Considering the statements of PW-9 Divya Sharma, Investigating Officer; PW-4 Suraj Singh Chelak (Inspector); PW-5 Ashish Nag (Inspector); PW-6 Amit Sinha (Inspector); PW-8 Surendra Kumar Sahu, Assistant Sub-Inspector; and PW-10 Ram Swaroop Dewangan, Retired Sub-Inspector, along with the other evidence available on record, this Court is of the opinion that the finding of conviction recorded by the learned trial Court is based on proper appreciation of evidence and does not suffer from any infirmity. Accordingly, the same is hereby



affirmed.

9. As regards the sentence part, in the matter of ***Mohammad Giasuddin v. State of Andhra Pradesh*** reported in ***(1977) 3 SCC 287***, Hon'ble Supreme Court has observed that if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in para-9 as follows:

"9. Western jurisprudes and 'sociologists, from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817:

"The laws of England are written in blood". Alfieri has suggested: 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'Crime is the result of the lack of the right kind of education.' It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re- culturisation. Therefore, the focus of interest inpenology is the individual, and goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defense. We, therefore consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw: 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Jeffrey Streatfield: "If you are going to have anything to do with the criminal Courts, you should see for yourself the conditions under which prisoners serve their sentences."

10. Thus, considering the facts and circumstances of the case in the light of the aforesaid decision of the Hon'ble Supreme Court in ***Mohammad Giasuddin (supra)***, and further taking into account the medical condition of the appellant, as well as the fact that he has already undergone a jail sentence of 5 months and 8 days, has been facing the *lis* since October, 2020, and has no criminal antecedents, this Court is of the view that the



ends of justice would be met if, while upholding the conviction, the sentence of imprisonment awarded to the appellant is reduced to the period already undergone by him. However, the fine amount along with the default stipulation, as imposed by the trial Court, is affirmed.

11. Consequently, the criminal appeal is partly allowed. The conviction of the appellant under the aforementioned Sections is affirmed and he is sentenced to the period already undergone by him. Both the sentences are directed to run concurrently.
12. It is reported that the appellant is on bail. His bail bonds are not discharged at this stage and the same shall remain operative for a further period of six months in view of the provisions contained in Section 481 of BNSS, 2023.
13. Let a certified copy of this judgment, along with the original record, be transmitted forthwith to the concerned trial Court for information and necessary compliance.

Sd/-

(Radhakishan Agrawal)
JUDGE