

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 410 of 2019**

- Umakant Kosale S/o Kusumdas Kosale, Aged About 20 Years, R/o Village Semariya, Police Station Vidhan Sabha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Pithoura District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

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02/04/2019	<p>Ms. Nirupama Bajpai, Advocate for the appellant. Mr. Aditya Sharma, P.L. for the State/respondent. Heard on I.A.No.2 for suspension of sentence and grant of bail to the appellant.</p> <p>The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 02-08-2016, passed in Special Criminal Case No.17/2015 by the Special Judge (N.D.P.S. Act-1985) Mahasamund, District Mahasamund, C.G. in the following manner:-</p> <table border="1"><thead><tr><th>Conviction</th><th>Sentence</th></tr></thead><tbody><tr><td>U/s 20 (ख) (II) (ख) of N.D.P.S. Act 1985</td><td>R.I. for 05 years and fine of Rs.10,000/-, in default of payment of fine, additional R.I. for 6 months.</td></tr></tbody></table> <p>It is submitted on behalf of the appellant that the appellant has been erroneously convicted and sentenced in the impugned judgment of the trial Court. No case is made out. The independent witnesses of search and seizure have not supported the prosecution case and the conviction is based only on the evidence of the Investigating Officer which is not a reliable evidence. The appellant is in jail since about 3 years and 5 months and there is no likelihood of this appeal being heard finally in near future. Hence, it is prayed that the application may be allowed.</p>	Conviction	Sentence	U/s 20 (ख) (II) (ख) of N.D.P.S. Act 1985	R.I. for 05 years and fine of Rs.10,000/-, in default of payment of fine, additional R.I. for 6 months.
Conviction	Sentence				
U/s 20 (ख) (II) (ख) of N.D.P.S. Act 1985	R.I. for 05 years and fine of Rs.10,000/-, in default of payment of fine, additional R.I. for 6 months.				



Per contra, learned counsel for the State opposes the application.

Heard learned counsel for the parties and perused the record of the trial Court.

On perusing evidence present in the record of the trial Court and considering the length of detention which the appellant has already undergone so far and that there is likelihood of delay in final hearing of this appeal, I feel inclined to allow this application.

Accordingly, I.A.No.2, application for suspension of sentence and grant of bail, is allowed. .

It is directed that the jail sentence imposed upon the appellant 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.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **19th of June, 2019**. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge