



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 436 of 2025

Nand Kishore Sahu S/o Jodharam Sahu Aged About 34 Years R/o Ward No. 09 Krishna Nagar Bajrang Chowk Vikki Kirana Store Police Station Supela District - Durg (C.G.)

--- Appellant (s)

versus

State Of Chhattisgarh Through Police Station Komakhan District - Mahasamund (C.G.)

--- Respondent(s)

CRA No. 602 of 2025

Mukesh Sahu S/o Late Ramesh Sahu, Aged About 32 Years R/o Ward No. 09 Krishna Nagar Bajrang Chowk Bajrang Kiraya Bhandar Police Station Supela Bhilai District - Durg (C.G.)

--- Appellant (s)

Versus

State Of Chhattisgarh Through The Police Station Komakhan District - Mahasamund (C.G.)

--- Respondent(s)

CRA No. 1285 of 2025

Sampat Sagar S/o Shri Manharan Sagar, Aged About 35 Years R/o Ward No. 8, Minimata Chowk Krishna Nagar, Near Nirmal Cycle, P.S. Supela Bhilai Distt.- Durg (C.G.)

--- **Appellant (s)**

Versus

State Of Chhattisgarh Through The Station House Officer (S.H.O.) P.S.- Komakhan, Dist- Mahasamund (C.G.)

--- **Respondent(s)**

02/09/2025	Mr. Sushil Dubey, Mr. Aman Pandey and Mr. Ashutosh Biswas, counsel for respective appellants. Ms. Sunita Manikpuri, Dy. Govt. Advocate for the State. Heard on IA No.2 which is an application for condonation of 86 days delay in filing CRA No.1285 of 2025. On due consideration of the grounds raised in the application and submission of learned counsel for the appellant in CRA No.1285 of 2025, application is allowed. Delay of 86 days in filing CRA No.1285 of 2025 is hereby condoned. Heard on IA No.1, applications for suspension of sentence and grant of bail filed by appellants in all three appeals. Mr. Sushil Dubey, learned counsel appearing for appellant - Nand Kishore Sahu in CRA No.436 of 2025 would submit that from case as setup by prosecution, there is no seizure of contraband from possession of appellant- Nand Kishore Sahu. Even the

contraband has not been seized from the vehicle on which appellant is said to have been travelling i.e. Innova Car. As per case of prosecution, contraband is seized from Swift Desire Car on which co-accused Mukesh Sahu and Sampat Sagar were traveling and, therefore, no case would be made out against appellant- Nand Kishore Sahu. Learned trial Court without appreciating evidence of PW8 and PW15 in appropriate manner has passed impugned judgment of conviction of appellant Nand Kishore Sahu. He submits that appeal may take some time for its hearing, therefore, substantive jail sentence imposed upon appellant- Nand Kishore Sahu be suspended and he may be released on bail.

Mr. Aman Pandey, learned counsel appearing for appellant- Mukesh Sahu in CRA No.602 of 2025 would submit that police during investigation has not complied with Rule 10 (3) of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 (for short "*Rules of 2022*"). He contended that alleged seizure is made from vehicle Swift Desire Car in which allegedly appellant is found travelling. Samples have not been obtained separately from each of 60 packets stated to be seized by police. Sample of contraband has been collected after mixing of packets and thereafter it was sent to laboratory. According to Rule 10 (3) of the Rules of 2022, sample is required to be obtained from each of packet and, therefore, quantity as alleged to have been seized from possession of appellant- Mukesh Sahu is not proved that police seized 60.42 kg of contraband (ganja). He next contended that independent witness PW2 and PW3 have not supported case of prosecution and in absence of which appellant could not have been convicted. He lastly submits that contraband alleged to have been seized from possession of this appellant has not been produced before

	trial Court. Mr. Ashutosh Biswas, learned counsel appearing for appellant- Sampat Sagar in CRA No.1285 of 2025 would adopt submissions and ground raised by Mr. Aman Pandey learned counsel for appellant in CRA No.602 of 2025. On the other hand, learned counsel for the State opposes submissions of learned counsel for respective appellants in all three appeals on IA No.1, applications for suspension of sentence and grant of bail and would submit that seizure and memorandum witnesses PW 2 and PW 3 have supported the case of prosecution. I have heard learned counsel for the parties. As per case of prosecution, allegation against appellant Nandkishore Sahu, appellant in CRA No.436 of 2025 is that, police received secret information that four persons were traveling in Swift Desire Car and Innova Car with contraband (ganja). Based on said information, police intercepted Desire Car which was running in front of Innova Car coming from Odisha side and going towards Bagbahara (C.G.). Swift Desire Car was running in front of Innova Car . Both the cars were stopped and during search police seized contraband in 60 packets from Swift Desire Car. During trial, prosecution examined Dilip Verma as PW2 who is one of seizure witness. Dilip Verma in his deposition stated that while travelling on motorcycle to village Khoplipadav, on the way, police party was standing checking vehicles. They were stopped and thereafter they were informed about proceedings drawn for seizure of ganja. After issuing notice to them, police seized contraband (ganja) from Swift Desire Car. He also stated that many packets were found from Desire Car which were seized. He also stated that from packets, smell of ganja was coming out.
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Praveen	Similar is the statement of Bholaram Sahu (PW3), another seizure witness. Investigating Officer Kartik Ram Ratre is examined as PW8. In his deposition also he supported seizure of contraband from Desire Car. In para-13 of his examination-in-chief he stated that out of 60 packets he has taken sample from all the packets and after crushing, smelling and tasting, it revealed that substance which was in packet were contraband (ganja). Considering the aforementioned evidence available on record and looking to the quantity of contraband (ganja) which were proved to be transported by appellants, I do not consider present to be an appropriate case to suspend the substantive jail sentence imposed on the appellants in all three appeals. Accordingly, IA No.1, applications for suspension of sentence and grant of bail filed by respective appellants in all three appeals are hereby dismissed. Sd/- (Parth Prateem Sahu) Judge
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