



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 478 of 2025**

1 - Vinay Kumar Gupta S/o Kedarnath Gupta Aged About 27 Years (At Present A/a 33 Years), R/o Navadih Chowk Seepat, Police Station Seepat, District Bilaspur Chhattisgarh

... Appellant**versus**

1 - State of Chhattisgarh Through Police Station Seepat, District Bilaspur Chhattisgarh

... Respondent**Order Sheet**

01/04/2025	Mr. Arvind Shrivastava, Advocate for the Appellant. Ms. Pragya Shrivastava, Dy. GA for the State. Heard Admit. Also heard on I.A.No.1/2025, application under Section 430 (2) of BNSS for suspension of sentence and grant of bail. The appellant stands convicted under Sections 21 (C) & 26 of the NDPS Act and sentenced to undergo R.I. for 10 years & R.I. for 01 Year and to pay fine of Rs.1,00,000/- & Rs.1,000/-, respectively, with usual default stipulation vide

judgment dated 24/02/2025 passed by the Special Judge (N.D.P.S. Act), Bilaspur, C.G. in Special Sessions Case (N.D.P.S. Act) No.20/2018.

Learned counsel for the appellant would submit that the premises from where the alleged contraband has been seized, was not within the exclusive possession of the appellant and the said accommodation belonged to one Kedar Nath Gupta, the father of the appellant and other family members were also residing together. He would next contend that no seizure has been made from the shop of the appellant and the house from where seizure is shown is mentioned as residence of one Vinod, while there is no member in the name of Vinod Gupta and Vinod Kumar. He would further contend that the contraband has already been seized, thereafter, the police has recorded his statement under Section 27 of the Evidence Act. He would next contend that the seizure witnesses are not independent witnesses and they are pocket witnesses of the prosecution agency. He would lastly contend that under the circumstances the substantive jail sentence imposed upon the

appellant may be suspended and he may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail and would submit that on receiving secret information by the Investigation Officer, he conducted the raid on the spot i.e. in the house of the appellant where 458 bottles of Relaxof T (Codeine Phosphate & Triprolidine Hydrochloride Syrup) Cough Syrup containing 100 ml; 2446 number of Spasmo Proxyvon Plus (17 packet x 6x24=2448); and 7920 number of Spasmo Proxyvon Plus (17 packets x 15 leaves x 24 = 7920) were seized.

Looking to the commercial quantity seized from the accused and evidence led by the prosecution, I am not inclined to suspend the sentence and release the appellant on bail.

Accordingly, I.A.No.1/2025, application under Section 430 (2) of BNSS for suspension of sentence and grant of bail is rejected.

SD/-
(Arvind Kumar Verma)
Judge