



2026:CGHC:10483



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 408 of 2018

Prashant Mahanand S/o Shri Rajendra Mahanand Aged About 26 Years R/o Samarpali, P. S. Melchamuda, District Bargarh Orissa, District : Bargarh *, Orissa

...Appellant

versus

State Of Chhattisgarh Police Station Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

... Respondent/State

For Appellant : Mr. Rakesh Kumar Manikpuri, Advocate.
For State : Mr. Surendra Dewangan, PL

Hon'ble Shri Justice Arvind Kumar Verma

Judgement on Board

28.02.2026

1. This appeal is preferred under Section 374 (2) of the Code of Criminal Procedure, 1973 against the judgment dated 28.02.2018 passed by learned Special Judge (NDPS Act), Janjgir-Champa (C.G.) in Special Criminal Case No. 22/2017, wherein the said Court convicted the appellant and sentenced him as under:-

Conviction	Sentence
U/S 20 (b) (ii) (B) of NDPS Act	R.I for 03 years with fine amount of Rs. 10,000/-, in default of payment of



	fine, to undergo further R.I. for 06 months.
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2. As per the prosecution, on 05.07.2017, B.S. Khuntia, then posted as Inspector at Police Station Janjgir, received secret information that a person from Bargarh was waiting near Lachanpur Square with two bags containing contraband, intended for delivery to another person. Upon receiving of this secret information, he recorded the secret information and prepared Mukhbir Suchna Panchnama in presence of the witnesses. He also informed about this information to the higher officials, thereafter he reached the spot along with the witness. In compliance of Section 50 of the NDPS Act he gave notice to the appellant and obtained his consent for search. On being searched total 10.00 kg of contraband article ganja was seized and after completion of other formalities he returned to the police station along with the seized property in Malkhana. The samples of seized cannabis were sent to FSL for its chemical examination. After completion of due and necessary investigation, a charge-sheet was filed by the police.
3. To robe the appellant in the crime in question, prosecution has examined as many as 11 witnesses. In the statement of the appellant recorded under Section 313 Cr.P.C., the appellant pleaded his innocence and false implication in the case.
4. Learned Trial Court after hearing the counsel for the respective parties and considering the material available on record, has convicted and sentenced the accused/appellant as mentioned in inaugural para of this judgment.
5. Learned counsel for the appellant submits that he does not want to



press this appeal on merits and confine his arguments to the sentence part thereof only. Further, he submits that the appellant at present is aged about 34 years and he is facing criminal trial since 2017 and has already undergone more than 08 months jail sentence awarded by the trial Court in NDPS Case No. 22/2017. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.

6. *Ex adverso*, learned counsel for the respondent/State supporting the impugned judgment submits that learned Trial Court after minutely appreciating the oral and documentary evidence has rightly convicted and sentenced the appellant. So, there is no scope for interference by this Court. This appeal being without any merit is liable to be dismissed.
7. I have heard learned counsel for the parties and perused the material available on record including the impugned judgment.
8. From perusal of the records, it transpires that on 05.07.2017 Station House Officer received information that the appellant has in possession of illegal cannabis and was waiting near Lachanpur Square with two bags, intended for delivery to another person. After receiving the above said information the concerned officer along with his staff reached the spot where they seized 10.00 kg ganja from the appellant and thereafter a charge sheet has been filed against the present appellant. After following the due processes, charge-sheet was submitted before the learned Special Judge who convicted the appellant under Section 20(b)(ii)(B) of the NDPS Act, 1985 and sentenced him to undergo Rigorous Imprisonment for 3 years and fine of Rs. 10,000/-. Considering the material available on record and the evidence adduced



by the prosecution, I am of the view that the Trial Court did not commit any illegality or infirmity in the findings recorded by Trial Court as regards conviction of the appellant under 20(b)(ii)(B) of the NDPS Act, 1985.

9. Therefore, the essence of the above discussion is that the Investigating Officer in this case appears to have followed all the mandatory and directive provisions of the NDPS Act. There is no concrete reason to disbelieve the evidence of the Investigating Officer and other witnesses and the action taken by them. The accused did not produce any valid license or document in relation to the narcotic substance recovered from his possession, therefore, it is proved that the appellant possessed 10.00 kg of ganja in violation of the provisions of the NDPS Act.
10. As regards the sentence, keeping in view the facts that incident took place in the year 2017 and nearly 09 years have rolled by since then. The appellant is now aged about 34 years; and out of 3 years of jail sentence, the appellant has already undergone more than 08 months of jail sentence and he did not misuse the liberty so granted to him, while being on bail and he is facing the */is* since 2017 i.e., for about more than 9 years and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him is reduced to the period already undergone by him.
11. *Ex consequenti*, the appeal is **partly allowed**. Conviction of the appellant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. However, the fine amount imposed by the Trial Court shall remain intact. The impugned



judgment stands modified to the above extent. He be released forthwith if not required in any other case.

12. The appellant is reported to be on bail, therefore, his bail bond shall remain in operation for a period of six months from today in view of provision of Section 481 of BNSS, 2023.
13. The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Arvind Kumar Verma)

JUDGE

U.K. Raju