



2026:CGHC:9735

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 425 of 2018

1. Hemraj Netam, S/o. Sukhlal Netam, Aged About 26 Years (at present)
2. Dhaniram Markam, S/o. Dashmu Markam, Aged About 24 Years (at present)
Both R/o Village Ravnaguda, Police Station Kundai, Distt. Navarangpur, Orissa.

--- Appellants.

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---Respondent

29/08/2018	Mr. R.K. Pali, counsel for the appellant. Mrs. Madhunisha Singh, Panel Lawyer for the State. Heard on I.A. No.2/2018, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction and order of sentence dated 07.02.2017, passed in Special Criminal Case No.22/2016, by the learned Special Judge (N.D.P.S. Act) Dhamtari, District – Dhamtari (C.G.) in the following manner :- <table><tr><td>U/s. 20 (b) (ii) (B) of N.D.P.S. Act</td><td>: R.I. for 5 years and fine of Rs.25,000/- and in default of payment of fine, further under go three months of R.I.</td></tr></table> Learned counsel appearing for the appellants would submit that the appellants have been erroneously convicted by the trial Court only on the basis of the evidence of investigating officer, whereas none of the witnesses of search and seizure have supported the case of the prosecution. Appellants are hopeful to succeed in this appeal. There is no likelihood of this appeal to be taken up for hearing in near future. Hence, it is prayed that the sentence of imprisonment against the	U/s. 20 (b) (ii) (B) of N.D.P.S. Act	: R.I. for 5 years and fine of Rs.25,000/- and in default of payment of fine, further under go three months of R.I.
U/s. 20 (b) (ii) (B) of N.D.P.S. Act	: R.I. for 5 years and fine of Rs.25,000/- and in default of payment of fine, further under go three months of R.I.		



appellants be suspended and they may be enlarged on bail.

Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail.

I have heard the learned counsel for the parties and perused the record of the trial Court.

On perusal of the record of the trial Court, it appears that the independent witnesses of search and seizure have not supported the case of the prosecution and the conviction is based only on the evidence witnesses of investigation procedure. Hence, after due consideration and for the reason that there is no likelihood of this appeal being heard in near future, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellants on bail.

Accordingly, I.A. No.2/2018, application for suspension of sentence and grant of bail is allowed.

Execution of substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on their executing a personal bond for a sum Rs.25,000/- with one surety each for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **29th October, 2018**. They 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 them by the said Court, till the disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge