



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A. No. 511 of 2019

1. Bisheshwar Sahu S/o Tiharu Sahu, Aged About 62 Years, Cast- Teli, R/o Village- Sindhupali, Thana- Pithora, District- Mahasamund, Chhattisgarh
2. Dinu Kumar Vastrakar S/o Liladhar Vastrakar, Aged About 22 Years, Cast- Mahar, R/o Village- Bhatbhera, Thana- Sohela, District- Balodabazar, Chhattisgarh

--- Appellants***Versus***

- State Of Chhattisgarh, Through Station House Officer, Police Station- (Outpost- Bundeli), Tendukona, District- Mahasamund, Chhattisgarh

---Respondent

29/04/2019	Mr. Vikash Pradhan, counsel for the appellants. Mr. I. Lakra, Dy. G.A. for the State. Heard on I.A. No.01/2019, application for suspension of sentence and grant of bail. The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 12.03.2019, passed in Special Sessions Criminal Case No. H-15/2018, passed by the Special Judge (N.D.P.S. Act) Mahasamund, District – Mahasamund (C.G.), in the following manner:- <table><tr><th><u>Conviction</u></th><th><u>Sentence</u></th></tr><tr><td>U/s. 20(b)(II)(b) of N.D.P.S. Act, 1985.</td><td>R.I. for 03 years and fine of Rs.10,000/- and in default of payment of fine, additional R.I. for 06 months.</td></tr></table> Learned counsel for the appellants would submit that the appellants have been erroneously convicted by the trial Court without there being any support of prosecution witnesses. No case is made out	<u>Conviction</u>	<u>Sentence</u>	U/s. 20(b)(II)(b) of N.D.P.S. Act, 1985.	R.I. for 03 years and fine of Rs.10,000/- and in default of payment of fine, additional R.I. for 06 months.
<u>Conviction</u>	<u>Sentence</u>				
U/s. 20(b)(II)(b) of N.D.P.S. Act, 1985.	R.I. for 03 years and fine of Rs.10,000/- and in default of payment of fine, additional R.I. for 06 months.				



against the appellants. The independent witnesses of search and seizure has not supported the prosecution case and the conviction is based only on the evidence of police witnesses. The appellants had been on bail during the course of trial. Hence, it is prayed that the sentence of imprisonment against the 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.

After perusing the evidence present on record of the trial Court and also considering that the independent witnesses of search and seizure had not supported the prosecution case and for the reason that there is no likelihood of this appeal being heard finally in near future, I feel inclined to allow this application.

Accordingly, I.A. No.01/2019, an 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 4th July, 2019. 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