2026:CGHC:10121

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 511 of 2019

1 - Bisheshwar Sahu S/o Tiharu Sahu Aged About 62 Years Caste- Teli, R/o Village- Sindhupali, Thana- Pithora, District- Mahasamund, Chhattisgarh.

2 - Dinu Kumar Vastrakar S/o Liladhar Vastrakar Aged About 22 Years Caste- 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

For the Appellants : Mr. Vikas Pradhan, Advocate

For the State/Respondent : Mr. Rajkumar Sahu, PL.

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

26.02.2026

1. Challenge in the criminal appeal is to the impugned judgment of conviction and sentence dated 12.03.2019 passed in Special Session Criminal Case No.H/15/2018, by which, learned Special Judge, (NDPS Act), Mahasamund, (CG), convicted the

appellant for offence punishable under Section 20(b)II(b) of the NDPS Act and sentenced them to undergo maximum RI for 03 years and fine of Rs.10,000/-, in default to undergo additional RI for 06 months.

2. Case of prosecution, in brief, is that on 19.03.2018, based on secret information, the Police intercepted the motorcycle on which appellant were travelling and during search seized 07 kg illicit contraband (ganja) from them, which they kept in a plastic bag. On the basis of seizure, they were arrested under the NDPS Act. After completion of other necessary formalities, Police returned to the Police Station and deposited the seized contraband (ganja) in Malkhana and lodged FIR against the appellants-accused.

3. After completion of investigation, charge-sheet was filed and trial Court framed the charges against the appellants for offence under the Act of NDPS Act.

4. In order to prove guilt of appellants, prosecution examined total 10 witnesses and their statements were recorded. However, no defence witnesses was examined. Statement of appellants (accused) were recorded under Section 313 CrPC in which they pleaded innocence and false implication.

5. After completion of trial, trial Court convicted and sentenced the appellants as mentioned in paragraph -1 of this judgment.

Hence, this appeal.

6. Learned counsel for the appellants submits that he is not pressing this appeal on merits and confining his arguments to the quantum of sentence only. He contended that quantity of contraband (ganja) seized from the appellants is an intermediate quantity. Appellants have already served about 06 months and 27-28 days of jail sentence, they do not have any previous criminal incident, hence, it is prayed that sentence awarded to appellants be reduced to the period already undergone by them.

7. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that the trial Court has rightly convicted and sentenced the appellants and therefore, the impugned judgment does not call for any interference.

8. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.

9. Though learned counsel for the appellants has not challenged conviction of appellants and restricted his prayer only with regard to reduction of sentence as undergone, but still this Court deems it appropriate to examine the impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.

10. Perusal of impugned judgment reveals that trial Court has discussed about the compliance of mandatory provisions of the NDPS Act and held that all the mandatory provisions under the NDPS Act had been complied with and after elaborately considering evidence of each individual material witness has observed that prosecution has proved its case beyond reasonable doubt against the appellants herein and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellants are guilty for the aforementioned offence.

11. As regards quantum of sentence, considering total quantity of contraband (ganja) seized from the appellants, i.e, 07 kg, period of sentence imposed by trial Court upon the appellants, further the fact that appellants have already served about 06 months and 27-28 days of jail sentence, they do not have any previous antecedents in similar nature, incident is of the year 2018 i.e. more than 07 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending appellants to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to appellants is reduced to the period already undergone by them.

12. In the result, the appeal is allowed in part. Conviction of appellants under Section 20(b)II(b) of NDPS Act is hereby affirmed, sentence imposed upon the appellants under aforesaid Section is hereby modified and reduced to the period already undergone by them. However fine amount imposed upon the appellants shall remain intact.

13. Record of trial Court alongwith copy of this judgment be sent back immediately to trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-