



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 690 of 2024

1 - Sombir Sharma S/o Teluram Aged About 28 Years R/o Village Hat, Thana Safindo, District : Jind, Haryana

2 - Vikas Sharma S/o Bhim Singh Aged About 25 Years R/o Village Singhana Thana Safindo, District : Jind, Haryana

... Appellants

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station Borai, District : Dhamtari, Chhattisgarh

... Respondent

Order on Board

24/10/2024	Shri Rohan Kumbhare, Advocate for the appellants. Shri Ajit Singh, Govt. Advocate for the State. Heard on I.A. No.1 of 2024, which is an application for suspension of sentence and grant of bail to the appellants. The appellants stand convicted and sentenced to undergo R.I. for 10 years with fine of Rs.1,00,000/- u/s 20(b)(ii)(C) of the NDPS Act with default stipulation, as ordered on 12.02.2024 by the Special Judge (NDPS Act) Dhamtari, in Special Sessions Case No.09/2023. Learned counsel appearing for the appellants would submit that independent witnesses have turned hostile and not supported the case of prosecution. Inventory have been prepared by the Executive Magistrate whereas, as per rules, the inventory should
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have been prepared by the Judicial Magistrate. There are material omissions and contradictions in the evidence of prosecution witnesses. The appellants are in in jail since 15.01.2023. Final adjudication of appeal will take its own time therefore the appellants may be enlarged on bail.

The State counsel opposes the bail application and would submit that all the mandatory provisions of the NDPS Act have duly been complied with including seizure and sampling of the contraband. The seized Ganja is of commercial quantity i.e. 27.300 KG recovered from the Car in which both the appellants were occupant. Therefore, their bail application is liable to be dismissed.

Considering the submissions made by the counsel for the parties, considering the nature of offence and quantity of Ganja allegedly seized from the Car in which the appellants were occupants and also considering the evidence available in the case, this Court is of the opinion that it is not a fit case in which substantive jail sentence imposed on the appellants can be suspended and they can be enlarged on bail.

Accordingly, I.A. No. 1 of 2024 is rejected.

List this appeal for final hearing after eight weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Inder