



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 608 of 2019

1. Tikaram, S/o. Dheluram Yadav, Aged About 29 Years, R/o. Village Mohbhatha, Out Post Sargaon, Police Station Pathariya, District Mungeli Chhattisgarh.
2. Sarwan @ Ballu Yadav, S/o. Daduram Yadav, Aged About 40 Years, R/o. Village Hathkera, Police Station -Pathariya, District Mungeli Chhattisgarh.
3. Vishnu Sahu, S/o. Baisakhu Sahu, Aged About 50 Years, R/o. Village Mohbhatha, Out Post Sargaon, Police Station -Pathariya, District Mungeli Chhattisgarh.

--- Appellants.***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Station Pathariya, District Mungeli Chhattisgarh.

---Respondent

08/05/2019	Mr. Dharmesh Shrivastava, counsel for the appellants. Mr. Lav Sharma, P.L. for the State. Heard on I.A. No.1/19, application for suspension of sentence and grant of bail. Appellants have been convicted by the judgment of conviction and order of sentence dated 26.03.2019, passed in Special (NDPS) Case No. 13/2016, by the learned Special Judge, under N.D.P.S. Act, 1985, Mungeli, District – Mungeli (C.G.) in the following manner :- <table><tr><td>U/s. 20 (B) (ii) (b) of N.D.P.S. Act, 1985</td><td>: R.I. for 3-3 years and fine of Rs.15,000/- - Rs.15,000/- to each appellants and in default of payment of fine, 6-6- months R.I. more</td></tr></table> Learned counsel appearing for the appellants would submit that the appellants have been erroneously convicted by the trial Court without there being any support of prosecution witnesses. The independent witnesses of search and seizure have 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	U/s. 20 (B) (ii) (b) of N.D.P.S. Act, 1985	: R.I. for 3-3 years and fine of Rs.15,000/- - Rs.15,000/- to each appellants and in default of payment of fine, 6-6- months R.I. more
U/s. 20 (B) (ii) (b) of N.D.P.S. Act, 1985	: R.I. for 3-3 years and fine of Rs.15,000/- - Rs.15,000/- to each appellants and in default of payment of fine, 6-6- months R.I. more		



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 considering the fact that the appellants had been on bail during the course of trial and they have not misused that liberty granted to them and also for the reason that there is no likelihood of this appeal to be taken up for final hearing 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.1/19, 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 **15th 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