

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 543 of 2018**

- Prashant Kumar Choubey S/o Vishnu Prasad Choubey Aged About 29 Years R/o- Naya Sarkanda Bangalipara, Jorapara Mod ke Pass Thana- Sarkanda, District- Bilaspur, Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through- Police Station- Torva, Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondent

12/04/2018	Shri Vikas Pandey, Advocate for the appellant. Ms. Madhunisha Singh, PL for the State. Heard. Admit. Call for the record. Also heard on I.A. No.1/2018, which is an application for suspension of sentence and grant of bail. The appellant stands convicted under Section 20 (B) (ii-B) of N.D.P.S. Act 1985 and sentenced to undergo R.I. for 1 year and to pay fine of Rs.15000/- with usual default stipulation vide judgment dated 06.04.2018 passed by the Special Judge (NDPS Act, 1985) Bilaspur, District Bilaspur (C.G.) in Special NDPS Trial No.194/2016. Learned counsel for the appellant would submit that the appellant was on bail during trial and after conviction he is in jail since 06.04.2018 and the sentence awarded is only for one year and the appeal will take some time for hearing on merits, therefore, the substantive jail sentence imposed upon the appellant may be suspended and he may be released on bail.

Ashu	Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail. Considering the short sentence and the fact that the appellant was on bail during the trial and the appeal will take some time for hearing, I am inclined to suspend the sentence and release the appellant on bail. Accordingly, I.A.No.1/2018, application for suspension of sentence and grant of bail is allowed. Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on depositing fine amount and on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on 13th June, 2018. He 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 him by the said Court, till the disposal of this appeal. Sd/- Goutam Bhaduri Judge
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