

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Criminal Appeal No. 701 of 2022**

- Narendra Kumar S/o Mukundram Sahu, aged about 45 years, R/o Barbaspur, Police Station – Ranitarai, District Durg (C.G.)

----- Appellant**versus**

- State of Chhattisgarh, through Station House Officer, Police Station Ranitarai, District Durg (C.G.)

----- Respondent

23/06/2022	Shri Ajay Thakre, Advocate for the appellant. Smt. Usha Chandrakar, Panel Lawyer for the State. Heard on I.A. No. 01 of 2022, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to appellant. By the impugned judgment dated 30.03.2022 passed by the Special Judge (NDPS Act) and Fourth Additional District & Sessions Judge, Durg, District Durg (C.G.) in Special Case (NDPS) No. 26/2018, the appellant stands convicted and sentenced as under: <table border="1"> <thead> <tr> <th><u>Conviction</u></th><th><u>Sentences</u></th></tr> </thead> <tbody> <tr> <td>Under Section 20 (b) (ii) (B) of NDPS Act.</td><td>R.I. for one year and fine of Rs.2,000/-, in default of payment of fine to further undergo R.I. for one month</td></tr> </tbody> </table> Allegation against the appellant is that on 12.08.2018 he was found in illegal possession of 2.800 Kg of <i>ganja</i>. Learned counsel for the appellant submits that the appellant has been falsely implicated in this crime and disposal of this appeal is likely to take some time, therefore, the appellant be released on bail. On the other hand, learned counsel for the State opposes bail. Heard learned counsel for the parties.	<u>Conviction</u>	<u>Sentences</u>	Under Section 20 (b) (ii) (B) of NDPS Act.	R.I. for one year and fine of Rs.2,000/-, in default of payment of fine to further undergo R.I. for one month
<u>Conviction</u>	<u>Sentences</u>				
Under Section 20 (b) (ii) (B) of NDPS Act.	R.I. for one year and fine of Rs.2,000/-, in default of payment of fine to further undergo R.I. for one month				

Considering the material available on record, particularly considering the quantity of illicit contraband, maximum sentence awarded to the appellant is of one year, the age of the appellant i.e. 45 years, the appellant was on bail during trial & after conviction he is in jail, he did not misuse the liberty so granted and that disposal of this appeal is likely to take some time, without further commenting on merit, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No. 1 of 2022) is allowed.

It is directed that the execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the trial Court. He shall appear before the trial Court on **05th September, 2022** and thereafter continue to appear there on all such dates as are given to him by the said Court till disposal of this appeal.

Certified copy as per rules.

List this appeal for final hearing in due course.

Sd/-

(Gautam Chourdiya)
Judge