



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRA No. 974 of 2023

1 - Paramjeet Singh Chhabda S/o Inder Singh Chhabda Aged About 22 Years R/o Bhagat Singh Ward, Bhatapara, Police Station Bhatapara, District Baloda Bazar-Bhatapara Chhattisgarh

2 - Sandeep Singh Khaira S/o Arjun Singh Khaira @ Pragat Singh Aged About 27 Years R/o Gondwal Bypass, Papa Bandik Chand Nagar, Tarangtal, Police Station And Tahsil Tarangtal, Present Address Punjab Hall, Shyam Nagar, Qr. No. 149, Telibandha, Police Station Telibandha, Raipur, District Raipur Chhattisgarh

... Appellants

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Bastar Chhattisgarh

---Respondent

09/09/2024	Heard Mr. Krishna Kumar Dixit, learned counsel for the appellants and Ms. Pragya Pandey, learned Dy. G.A., appearing for the State / respondent on the instant application for suspension of sentence and grant of bail (I.A. No. 1 of 2023). By the impugned judgment of conviction and order of sentence

dated 12.04.2023, learned Special Judge (NDPS Act 1985), Jagdalpur District Bastar (C.G.) in Special Criminal case (NDPS Act) No. 02/2022, has convicted and sentenced the appellants as under:-

Conviction under Sections	Sentence
20(B)(ii)(C) of NDPS Act 1985	R.I. for 10 years with fine of Rs. 1,00,000/- in default of which additional Imprisonment for 1 year each of the appellants.

It has been argued by the learned counsel for the appellants that the contraband has not been seized from the exclusive possession of the present appellants and have been falsely implicated in the crime in question. He further submits that the proper compliance of Section 50, 42(2) and 52(A) N.D.P.S. Act has not been done by the Investigating Officer. The appellant is in jail since 19.07.2021 and already served 5 years and 2 months, hereby completed half of the sentence and the appeal is likely to take sometime for final disposal, therefore he may be released on bail.

On the other hand, learned State Counsel opposes the bail application and submits that 300 Kg ganja has been seized from possession of the present appellants. The appellant had rightly been

convicted for the aforesaid offence, therefore, they are not entitled for relief of bail. Hence, the application for suspension of sentence for grant of bail is deserves to be dismissed.

I have heard learned counsel for the parties and perused the records of the trial Court.

Taking into consideration the facts and circumstances of the case particularly the fact that 300 Kg ganja was seized from the joint possession of the appellants which is much more than the commercial quantity and after trial, the trial Court has convicted the appellants/accused for the aforesaid offence and without commenting on merits of the case, this Court finds it appropriate to reject the instant application for suspension of sentence and grant of bail, at this stage.

Consequently, I.A. No. 01 of 2023 stands rejected.

Let the matter be listed for final hearing in due course.

Sd/-

(Arvind Kumar Verma)
Judge