

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRA No. 876 of 2024

- Sheesh Boldas S/o S. Mongla Aged About 42 Years R/o Labru, Tahsil Munchingput, P.S. Munchingput, District Vishakhapatnam (Andhra Pradesh) **----Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Farasgaon, District Kondagaon (C.G.) **----Respondent**

25/06/2024	Heard Mr. Ashok Kumar Komra, learned counsel for the appellant and Ms. Sunita Sahu, learned Panel Lawyer appearing for the State / respondent on the instant application for suspension of sentence and grant of bail (I.A. No. 1 of 2024). By the impugned judgment of conviction and order of sentence dated 12.04.2024, learned Special Judge (NDPS Act 1985), Kondagaon, District Kondagaon (C.G.) in Special Criminal Case (NDPS Act 1985) No. 27/2022, has convicted and sentenced the appellant as under:- <table><tr><th>Conviction under Sections</th><th>Sentence</th></tr><tr><td>20 (b)(ii)(C) of NDPS Act 1985</td><td>R.I. for 10 years with fine of Rs. 1,00,000/- in default of which</td></tr></table>	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
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	additional Imprisonment for 1 year
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It has been argued by the learned counsel for the appellant that the contraband has not been seized from the exclusive possession of the present appellant and has been falsely implicated in the crime in question. They further submit that the proper compliance of Section 42(2) and 52(A) N.D.P.S. Act has not been done by the Investigating Officer. The appellants are in jail since 23.06.2022 and the appeal is likely to take sometime for final disposal, therefore they may be released on bail.

On the other hand, learned State Counsel opposes the bail application and submits that the 107.130 K.G. of contraband has been seized from possession of the present appellant. The appellant had rightly been convicted for the aforesaid offence, therefore, he is 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 107.130 Kg of contraband (ganja) was seized from the possession of the appellant and after trial, the Trial Court has

convicted the appellant/accused for the aforesaid offences 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 2024 stands rejected.

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

Sd/-

(Arvind Kumar Verma)
Judge