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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1154 of 2024

Manish Sahu **Versus** State Of Chhattisgarh

CRA/958/2024

Order Sheet

29/10/2025	None appeared on behalf of appellant in CRA No. 1154/2024 to press I.A. No. 01/2024 i.e. application for suspension of sentence. In view of the same, I.A. No. 01/2024 in CRA No. 1154/2024 is rejected for want of prosecution. Heard Mr. Sanjay Agrawal, learned counsel for appellant in CRA No. 958/2024 for I.A. No. 03/2024 i.e. application for suspension of sentence and grant of bail and Mr. S.S. Baghel, learned Deputy Government Advocate and Shailendra Sharma, learned Panel Lawyer for respondent / State. Learned counsel for appellant in CRA No. 958/2024 submits that the learned trial Court has erred

in convicting the appellants despite there being clear procedural lapses in the manner of seizure, sampling, and compliance of mandatory provisions under the Narcotic Drugs and Psychotropic Substances Act, 1985. It is submitted that the seizure witnesses (P.W.-2 and P.W.-3) have not supported the prosecution story and have turned hostile. The record reveals that 24 packets of alleged contraband were mixed together and thereafter kept in three plastic bags, from which two representative samples of 100 grams each were drawn and sent for chemical examination. Such a method of sampling is contrary to the statutory mandate under Section 52-A of the NDPS Act and the Standing Orders No. 01/1988 and 01/1989. Further, the individual samples from each packet were not sent for chemical examination, causing serious prejudice to the appellants and vitiating the entire proceedings. The learned trial Court has relied solely on the testimony of the investigating officers without any independent corroboration, despite the fact that the seizure

witnesses have not supported the prosecution. There is also complete non-compliance with Sections 42, 52-A, 55, and 57 of the NDPS Act. In view of the aforesaid irregularities and the law laid down by the Hon'ble Supreme Court in 2017 (15) SCC 684, the conviction of the appellant is unsustainable, and considering that the appeal is arguable and the appellant remained in custody for a considerable period, he deserve to be released on bail pending disposal of the appeal.

However, learned Government Advocate, appearing for the State opposes the prayer for grant of bail and submits that a huge quantity of contraband article has been recovered from the possession of the appellants and if the application for suspension of sentence and grant of bail is allowed, there is huge possibility that the appellants would again engage in such activities.

We have heard learned counsel for the parties and perused the bail application.

Considering the facts and circumstances of the

case also considering the evidence available on record and the quantity of contraband article seized from the possession of the appellant, we are not inclined to allow the suspension of sentence and grant of bail of the **appellant – Piyush Pandey** and accordingly, the same is **rejected**.

Accordingly, IA No. 03 of 2024 in CRA No.958/2024 on behalf of appellant Piyush Pandey stands **rejected**.

It is made clear that the observations made hereinabove are only confined for disposal of aforesaid I.A.s filed in these appeals and it shall not be construed as an expression of opinion of this Court on merits of the matter.

List the CRA No. 1154/2024 and CRA No. 958/2024 for final hearing on **09.12.2025**.

Certified copy, as per rules

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice