



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1072 of 2024

1 - Ravishankar Gupta S/o Ramroop Gupta Aged About 25 Years At- Village Sohaas, Post Daagdiha, P/s Kotar, District : Satna, Madhya Pradesh

... Appellant(s)

versus

1 - State of Chhattisgarh Through S H O P/s G R P, Raipur, District : Raipur, Chhattisgarh

... Respondent(s)

Order Sheet

05/01/2026	Mr. Yogendra Chaturvedi, learned counsel for the appellant. Mr. Aman Tamboli, learned Panel Lawyer, appearing for the Respondent/State. The appeal is admitted for hearing. Record of the trial Court has already been received. Heard on I.A. No. 01/2024, which is an application under Section 389 of Cr.P.C. for suspension of sentence along with the fine and grant of bail. This appeal has been filed being aggrieved by the

judgment of conviction dated 09.05.2024 passed by Trial Court, learned Special Judge (NDPS Act), Raipur, C.G. in Special Criminal Case No. 160/2023, whereby the appellant has been convicted and sentenced in the following manner :-

Conviction	Sentence
U/s 20(b)(ii)(C) of the NDPS Act.	RI of 10 years with fine of Rs. 1,00,000/-, RI for 06 months in case of default in payment of fine.

Learned counsel for the appellants would submit that the appellant has been convicted for the offence under Section 20(b)(ii)(C) of the NDPS Act and sentenced RI for 10 years for illegal possession of 20.180 kg Ganja which was allegedly seized from the appellant from Railway Platform, Raipur. He would further submits that the independent witnesses have not supported the prosecution case and the conviction is based on the statement of the police witnesses. All the mandatory provisions of NDPS Act have not been complied with and there is various discrepancy given in the inventory prepared by the Railway Magistrate. The appellant is in jail since 26.07.2023, and final adjudication of the appeal will take its own time, therefore, the appellant may be enlarged on bail.

On the other hand, learned counsel appearing for the Respondent/State opposes and submitted that the commercial quantity of Ganja have been seized from the appellant and he

has been convicted for having illegal possession of commercial quantity of Ganja, Although the independent witnesses have not supported the prosecution but there are sufficient evidence of the witnesses who were present at the time of search and seizure of the appellant who duly proved the case of the prosecution and after considering the entire evidence available in the case, the learned trial Court has convicted him, therefore, the applicant is not entitled for bail.

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

Considering the nature of allegation and the evidence available in the record against the appellant, further considering the quantity of Ganja and the gravity of the offence, I am not inclined to release the appellant on bail.

Accordingly, I.A. No. 01/2024, is **rejected**.

List this case after six weeks for final hearing.

Sd/-

(Ravindra Kumar Agrawal)
Judge