

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 822 of 2018

Kunna Acharyajay S/o Shri Mrityunjay Acharyajay, Aged About 20 Years R/o Village - Jawagarh, P.S. And Tahsil - Machukun, District Koraput (Odisha)., District : Koraput, Orissa.

---- Appellant

Versus

State Of Chhattisgarh Through District Magistrate, Raipur, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---Respondent

12/09/2018	Shri Keshav Dewangan, Advocate for the appellant. Shri Ashok Swarnakar, P.L. for the State. Heard on I.A. No. 1 of 2018, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 14.5.2018 passed by the Court of Learned Special Judge, Narcotic Drugs and Psychotropic Substances Act, 1985, Raipur, District Raipur, Chhattisgarh in Special Criminal Case No. 112 of 2017, the appellant stands convicted as under:- <table border="1"> <thead> <tr> <th>Conviction</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>Under Section 20(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985</td><td>R.I. for 5 years and to pay fine of Rs.20,000/-, in default of payment of fine, to further undergo RI for 6 months.</td></tr> </tbody> </table> Learned counsel for the appellant submits that the appellant has been erroneously convicted and sentenced by the trial Court in the impugned judgment. The independent witnesses of search and seizure have not supported the case of the prosecution. Hence, it is	Conviction	Sentence	Under Section 20(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985	R.I. for 5 years and to pay fine of Rs.20,000/-, in default of payment of fine, to further undergo RI for 6 months.
Conviction	Sentence				
Under Section 20(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985	R.I. for 5 years and to pay fine of Rs.20,000/-, in default of payment of fine, to further undergo RI for 6 months.				

prayed that the sentence may be suspended and he may be released on bail.

On the other hand, learned counsel for the respondent/ State opposed the bail application.

Perused the record of the trial Court and the impugned judgment.

After perusal of the statements of the witnesses and after due consideration, I feel inclined to allow the I.A. No. 1 of 2018, an application for suspension of sentence and grant of bail. Consequently, the same is allowed.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **7.12.2018** and thereafter before the concerned trial Court on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

List this appeal for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)
Judge