



2026:CGHC:12983

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A. No. 843 of 2018

Salik Ram Tiwari S/o Late Shambhunath Tiwari, Aged About 55 Years, R/o- Durti,
Police Station Pratappur, District- Surajpur, Chhattisgarh

--- Appellant***Versus***

The State Of Chhattisgarh, Through- Arakshi Kendra- Pratappur, District- Surajpur,
Chhattisgarh

---Respondent

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27/03/2019	Mr. Rajat Agrawal, counsel for the appellant. Mr. Samdarsh Nirankari, P.L. for the State. Heard on I.A. No.01/2018, application for suspension of sentence and grant of bail. Appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 11.06.2018, in Special Criminal Case No. 11/2017, passed by the Learned Special Judge (N.D.P.S. Act) Surajpur, District – Surajpur (C.G.) in the following manner :- <table><tr><th><u>Conviction</u></th><th><u>Sentence</u></th></tr><tr><td>U/s. 20 (ख)(ii)(ख) of the Narcotic Drugs and Psychotropic Substances Act, 1985</td><td>R.I. for 05 years and fine of Rs.20,000/- and in default of payment of fine, further R.I. for 06 months.</td></tr></table> Learned counsel appearing for the appellant would submit that the appellant has been erroneously convicted by the trial Court without there being any support of prosecution witnesses. The prosecution has not proved its case beyond reasonable doubt. The independent witnesses of search and seizure have not supported the prosecution case and the conviction is based only on the evidence of the police witnesses.	<u>Conviction</u>	<u>Sentence</u>	U/s. 20 (ख)(ii)(ख) of the Narcotic Drugs and Psychotropic Substances Act, 1985	R.I. for 05 years and fine of Rs.20,000/- and in default of payment of fine, further R.I. for 06 months.
<u>Conviction</u>	<u>Sentence</u>				
U/s. 20 (ख)(ii)(ख) of the Narcotic Drugs and Psychotropic Substances Act, 1985	R.I. for 05 years and fine of Rs.20,000/- and in default of payment of fine, further R.I. for 06 months.				



Appellant is hopeful to succeed in this appeal. There is no likelihood of this appeal to be taken up for hearing in near future. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he may be enlarged on bail.

Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail.

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

After perusing the evidence of witnesses of prosecution present in the record of the trial court and also for the reason that the appellant had been on bail during the course of trial and he has not misused the liberty. Hence, after due consideration and for the reason that there is no likelihood of this appeal being heard in near future, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellant on bail.

Accordingly, I.A. No.01/2018, application for suspension of sentence and grant of bail is allowed.

Execution of substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **17th June, 2019**. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge