



HIGH COURT OF CHHATTISGARH, BILASPUR

2026:CGHC:12985

Order Sheet

Criminal Appeal No. 923 of 2018

1. Munna Yadav S/o Gopal Yadav Aged About 24 Years Occupation Agriculturist R/o Village Kaharchuwa, Police Station Lailunga, District Raigarh Chhattisgarh, District : Rajnandgaon, Chhattisgarh
2. Aiju Kumhar S/o Shri Jaleshwar Kumhar Aged About 23 Years Occupation Agriculturist R/o Village Kaharchuwa, Police Station Lailunga, District Raigarh Chhattisgarh Permanent Address R/o Village Guchhapada, Police Station Baliguda District Kandyal Orissa, District : Raigarh, Chhattisgarh

---- Appellants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Tamnar District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---Respondent

And

Criminal Appeal No. 945 of 2018

Dashrath Yadav S/o Bhagirathi Yadav Aged About 36 Years Occupation Agriculture, R/o Village Diyagarh, Police Station Lailunga, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tamnar, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh.

---Respondent

21/08/2018	Shri Ashish Gupta, Advocate for the appellants. Ms. Madhunisha Singh, P.L. for the State. Heard on I.A. Nos. 1 of 2018, an application for suspension of sentence and grant of bail to the appellants. By the impugned judgment dated 18.5.2018 passed by the Court of Special Judge, NDPS Act, Raigarh, District Raigarh, Chhattisgarh in NDPS Case No. 5 of 2016, the appellants in both the cases stand convicted under Section 20B(ii)(B) of the NDPS Act and sentenced to



undergo rigorous imprisonment for 5 years and to pay fine of Rs.10,000/- each, in default of payment of fine, to further undergo RI for one year.

Learned counsel for the appellants submits that the judgment of conviction passed by the trial Court against the appellants is without the support of the prosecution evidence beyond reasonable doubt. Further, the appellants have suffered half of the sentence imposed upon them by the trial Court and the independent witnesses have also not supported the case of the prosecution. Hence, it is prayed that their applications be allowed.

Learned State counsel opposes the bail application.

Perused the impugned judgment of the Court below.

After perusal of the evidence on record, I feel inclined to allow I.A. Nos. 1 of 2018, an application for suspension of sentence and grant of bail to the appellants in both the cases. Consequently, the same are allowed.

It is directed that the jail sentence imposed upon the appellants shall remain suspended during the pendency of these appeals and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- with one surety in like sum to the satisfaction of the concerned trial Court for their appearance before the Registry of this Court on **29.10.2018** 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 these appeals.

List these appeals for final hearing in due course.

Certified copy of the order as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge