

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 890 of 2018

- Shatrujeet Singh S/o Lingraj, Aged About 33 Years, R/o- Gumaharimudha, Police Station- Sonapali, District- Nuvapada (Odisha) Present Address Panchsheel Nagar, Charouda, Bhilai-03, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Arjuni, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

27/08/2018	Ms. Sharmila Singhai, Advocate for the appellant. Ms. Madhunisha Singh, P.L. for the State/respondent. Heard on I.A.No.1/2018 for suspension of sentences and grant of bail to the applicant. The appellant has been convicted by the judgment of conviction and order of sentence dated 19-06-2018, passed in Special Criminal Case No.166/2017 by the Special Judge (N.D.P.S. Act) Dhamtari, District Dhamtari, C.G. in the following manner:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>1. U/s 20(B)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985</td><td>to undergo R.I. for 07 years and to pay fine amount of Rs.50,000/-, in default of payment of fine, to undergo additional R.I. for 1 year.</td></tr></table> It is submitted on behalf of the appellant that the appellant has been erroneously convicted and sentenced in the impugned judgment of the trial Court without there being any evidence of any independent witness in support of the prosecution. There is no likelihood of this appeal being heard finally in the 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, learned counsel for the State opposed the prayer for	Conviction	Sentence	1. U/s 20(B)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	to undergo R.I. for 07 years and to pay fine amount of Rs.50,000/-, in default of payment of fine, to undergo additional R.I. for 1 year.
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suspension of sentence and grant of bail.

Heard learned counsel for the parties and perused the record of the trial Court.

On perusing the record of the trial Court, it appears that independent witnesses have not supported the prosecution case, hence, after due consideration, 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.1/2018, application for suspension of sentence and grant of bail, is allowed. .

It is directed that the jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surely in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **22nd October, 2018**. 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 disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge