



2026:CGHC:8593



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 998 of 2019

Prakash Sahu @ Sonu S/o Shri Chainuram Sahu Aged About 20 Years R/o Village Sahupara Nagar, Tumgaon Dukaan Chouck, P.S. Tumgaon, District- Mahasamund, Chhattisgarh.

--- Appellant.

versus

State Of Chhattisgarh Through The S.H.O. PS- Tumgaon, District- Mahasamund, Chhattisgarh.

--- Respondent(s)

CRA No. 999 of 2019

Savan Yadav @ Bunti S/o Dilip Yadav Aged About 21 Years R/o Sahupara Nagar, Tumgaon, Dukan Gal, Police Station- Tumgaon, Civil And Revenue District- Mahasamund, Chhattisgarh.

---Appellant.

Versus

State Of Chhattisgarh Through Police Station- Gudhiyari, District- Raipur, Chhattisgarh.

For the Appellants : Mr. RR Soni, Advocate (Legal Aid)

For the State/Respondent : Mr. Rishiraj Pithawa, Dy. GA.

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board



17.02.2026

1. Since above two appeals arising out of same incident/offence, they are being disposed of by this common order.
2. Challenge in these **criminal appeals** is to the impugned judgment of conviction and sentence dated 18.06.2019 passed in Special Criminal Case (NDPS Act) No.331/2017, by which, learned Special Judge, (NDPS Act), Raipur, (CG), convicted the appellants for offence punishable under Section 20(ii)(B) of the NDPS Act and sentenced them to undergo maximum RI for 1-1 year and fine of Rs.10,000/-, in default to undergo additional RI for 03 months to each appellant.
3. When the cases are taken up for hearing, no one appeared on behalf of appellants to press these appeals, therefore, I requested for assistance from a Counsel of the High Court Legal Services Committee. Mr. RR Soni, Advocate is nominated to assist the Court on behalf of the appellants.
4. I have gone through the judgment under appeals and the depositions of witnesses and exhibits assisted by Mr. Soni, Advocate and learned State Counsel. In view of decision of hon'ble Supreme Court in case of **Surya Baksh Singh v. State of Uttar Pradesh, (2014) 14 SCC 222**, I do not consider it necessary to adjourn these cases and issue fresh notice to the appellants as their interest has been duly taken care of by nominating another Counsel from the High Court Legal



Services Committee.

5. Case of prosecution, in brief, is that on 15.09.2017, based on secret information, the Police intercepted the motorcycle near Kukri Talab, Gudhuyari, on which appellants were travelling and during search seized/recovered 2.100 kg of contraband (ganja) from appellant- Prakash Sahu @ Sonu, which he kept in his bag. On the basis of seizure, they were arrested under the NDPS Act. After completion of other necessary formalities, Police returned to the Police Station and deposited the seized contraband (ganja) in Malkhana and lodged FIR against the appellants-accused.
6. After completion of investigation, charge-sheet was filed and trial Court framed the charges against the appellants for offence under the Act of NDPS Act.
7. In order to prove guilt of appellants, prosecution examined total 11 witnesses and their statements were recorded. However, no defence witnesses were examined. Statement of appellants (accused) were recorded under Section 313 CrPC in which they pleaded innocence and false implication.
8. After completion of trial, trial Court convicted and sentenced the appellants as mentioned in paragraph -1 of this judgment. Hence, this appeal.



9. Learned counsel for the appellants submits that he is not pressing these appeals on merits and confining his arguments to the quantum of sentence only. He contended that quantity of contraband (ganja) seized from the appellants-accused is an intermediate quantity. Appellant-Prakash Sahu @ Sonu has already served about 05 months and 10 days of jail sentence, whereas, appellant-Savan Yadav @ Bunti has served about 05 months and 19 days of jail sentence; they do not have any previous criminal incident, hence, it is prayed that sentence awarded to appellants be reduced to the period already undergone by them.
10. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that trial Court has rightly convicted and sentenced the appellants, therefore, the impugned judgment does not call for any interference.
11. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
12. Though learned counsel for the appellants has not challenged conviction of appellants and restricted his prayer only with regard to reduction of sentence as undergone, but still this Court deems it appropriate to examine the impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.



13. Perusal of impugned judgment reveals that trial Court has discussed about the compliance of mandatory provisions of the NDPS Act and held that all the mandatory provisions under the NDPS Act had been complied with and after elaborately considering evidence of each individual material witness has observed that prosecution has proved its case beyond reasonable doubt against appellants herein and that being the position, this Court is of the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellants are guilty for the aforementioned offence.
14. As regards quantum of sentence, considering total quantity of contraband (ganja) seized from the appellants, i.e. 2.100 kg only, further the fact that appellant-Prakash Sahu @ Sonu has already served about 05 months and 10 days of jail sentence, whereas, appellant-Savan Yadav @ Bunti has served about 05 months and 19 days of jail sentence; they do not have any previous antecedents in similar nature, incident is of the year 2017 i.e., more than 08 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending the appellants to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to appellants is reduced to the period already undergone by them.



15. In the result, the above appeals are allowed in part. Conviction of appellants under Section 20(ii)(B) of the NDPS Act is hereby affirmed; sentence imposed upon the appellants under aforesaid Section is hereby modified and reduced to the period already undergone by them. However fine amount imposed upon the appellants shall remain intact.

16. Record of trial Court alongwith copy of this judgment be sent back immediately to trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-