



2026:CGHC:9734



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 976 of 2018

Ramsachche Rajput S/o Sobran Aged About 22 Years R/o Aliyapur,
Police Station And District Kannouj (U P), Uttar Pradesh

... Appellant

versus

State Of Chhattisgarh Through The Police Station G R P Bilaspur
District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

... Respondent(s)

For Appellant : None

For Respondent(s) : Dr. Surendra Kumar Dewangan, Panel Lawyer

Hon'ble Shri Justice Arvind Kumar Verma

Judgment on Board

24/02/2026

1. This criminal appeal has been filed under Section 374 (2) of Cr.P.C., 1973 by the appellants against the judgment of conviction and order of sentence dated 30.06.2018 passed by the learned Special Judge (N.D.P.S. Act), Bilaspur, District- Bilaspur (C.G.), in



Special Case NDPS Act, 1985 No. 9/17, whereby the appellant has been convicted and sentenced as follows:-

Convicted	Sentenced to
U/s 20(b)(ii)(B) of N.D.P.S. Act, 1985	R.I. for 3 years with fine of Rs. 15,000/-, in default of payment of fine, additional R.I. for 3 months.

2. Today when the matter is called out for hearing, no one appeared on behalf of the appellant. I, therefore, requested for assistance from a counsel of the High Court legal aid services committee, Mr. Atul Kumar Kesharwani, Advocate has been nominated to assist the Court. I have gone through the judgment under appeal and the depositions of witnesses and exhibits assisted both by Advocate through the High Court Legal Services Committee and Learned State Counsel. In view of **(2014) SCC 222 (Surya Baksh Singh Vs. State of Uttar Pradesh)**, I do not consider it necessary to adjourn this case and issue fresh notice to the Appellant as her interest has been duly taken care of by nominating another counsel from the High Court Legal Services Committee.
3. On 15.02.2017, Sub-Inspector L.S. Rajput received information that a boy carrying marijuana was standing near the toilet on Platform No. 8 of Bilaspur Railway Station and was about to board a train. The information was recorded in Daily Diary No. 32/17. Independent witnesses Israel Khan and Shriram Singh were summoned under Section 160 CrPC, and necessary panchnamas were prepared. A police team proceeded to Platform No. 8, where



a boy matching the description attempted to flee but was apprehended. On inquiry, he disclosed his name as Ramsachche, aged 22 years, resident of District Kannauj (Uttar Pradesh). He admitted that his bag contained ganja. After being informed of his right under Section 50 of the NDPS Act, he consented to be searched by the police officer on the spot. Upon search of a black backpack carried by him, 9 kilograms of ganja (more than small quantity but less than commercial quantity) was recovered. A 50-gram sample was drawn for FSL examination, sealed, and marked A-1. The remaining contraband was also sealed on the spot. A case under Section 20(B) of the NDPS Act was registered, and after investigation, a charge sheet was filed on 13.04.2017. On 25.04.2017, charge under Section 20(B)(ii)(B) of the NDPS Act was framed. The accused denied the allegations and claimed false implication. The prosecution examined eleven witnesses. After recording the statement of the accused under Section 313 CrPC and hearing final arguments, the matter was placed for judgment.

4. The appellant was in jail from 15.02.2017 to 10.07.2018 (1 year 4 months and 25 days).
5. Learned counsel for the appellant would submit that the appellant is innocent person and has been falsely implicated in the afore-said case and the mandatory provisions have not been followed by the prosecution. The judgment of the Trial Court is bad in law as well as on facts. The learned Trial Court ought not to have convicted and sentenced the appellant and ought to have given the



benefit of doubt since the evidence submitted by the prosecution is very shaky and unbelievable. The Trial Court failed to appreciate the evidence and documents available on record.

6. Learned counsel for the appellant submits that he does not want to press this appeal on merits and confine his arguments to the sentence part thereof only. Further, he submits that the appellant has already undergone half of the sentence awarded by the trial Court. There is also no previous criminal antecedents against the appellant. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
7. Learned Panel Lawyer appearing for the respondent/State, submits that the Trial Court has rightly convicted and sentenced the appellants, in which no interference is called for.
8. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. From perusal of the records, it transpires that on 15.02.2017, acting on prior information recorded in Daily Diary No. 32/17, Sub-Inspector L.S. Rajput apprehended the accused near the toilet of Platform No. 8 at Bilaspur Railway Station. After informing him of his right under Section 50 of the NDPS Act, and upon his consent for search on the spot, a black backpack carried by him was searched in the presence of witnesses. From the bag, 9 kilograms of ganja (more than small quantity but less than commercial quantity) was recovered. A 50-gram sample was drawn, sealed, and



the remaining contraband was also sealed. An offence under Section 20(B)(ii)(B) of the NDPS Act was registered, and after investigation, charge sheet was filed. The accused denied the charge, claimed false implication, and the prosecution examined eleven witnesses. After following the due processes, chargesheet was submitted before the learned Special Judge who convicted the appellant under Section 20(b)(ii)(B) of the NDPS Act, 1985. Considering the material available on record and the evidence adduced by the prosecution, I am of the view that the Trial Court did not commit any illegality or infirmity in the findings recorded by Trial Court as regards conviction of the appellants under Section 20(b)(ii)(B) of the N.D.P.S.

10. Therefore, the essence of the above discussion is that the Investigating Officer in this case appears to have followed all the mandatory and directive provisions of the NDPS Act. There is no concrete reason to disbelieve the evidence of the Investigating Officer and other witnesses and the action taken by them. The accused did not produce any valid license or document in relation to the narcotic substance recovered from his possession. Therefore, it is proved that the appellant possessed 9 kg of ganja in violation of the provisions of the NDPS Act.
11. As regards the sentence awarded to the appellant. Considering the fact that the appellant is facing criminal trial since 2017, considering the age of the appellant at present and further considering the quantity of contraband seized from the possession of appellant



i.e. 9 Kg contraband(ganja), which is intermediate quantity and there is no previous criminal antecedents and further the appellant has remained in jail for 1 year 4 months and 25 days, therefore, this Court is of the opinion that in the interest of justice, the sentence imposed upon the appellant is reduced to the period already undergone by the appellant under Section 20(b)(ii)(B). However, fine imposed by trial Court is maintained.

12. With the aforesaid observations, the criminal appeal is **allowed in part**. The appellant is held guilty of committing offence under Section 20(b)(ii)(B) of NDPS Act and is convicted for the said offence. However, the sentence is reduced to the period already undergone by him. The appellant is reported to be on bail. Surety and personal bond earlier furnished at the time of suspension of sentence shall remain operative for a period of six months in view of the provisions of Section 437-A Cr.P.C.
13. Let a copy of this order and the original records be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)

Judge

Madhurima