



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1150 of 2024

1 - Alok Paswan Aged About 25 Years Son of Harikesh Paswan, Resident of Village And Post- Majhwari, Police Station- Simri, District - Baksar (Bihar)
2 - Abhishek Yadav Son of Late Ramlal Yadav, Resident of Village And Post- Majhwari, Police Station - Simri, District- Baksar (Bihar)

... Appellants

versus

1 - State of Chhattisgarh Through The Station House Officer, Police Station- Kondagaon, District- Kondagaon (C.G.)

... Respondent

Order on Board

16/10/2024	Shri Santosh Bharat, Advocate for the appellants. Shri Ajit Singh, Govt. Advocate for the State. Heard on I.A. No.1 of 2024, which is an application for suspension of sentence and grant of bail to the appellants. The appellant stands convicted and sentenced to undergo R.I. for ten years and fine of Rs.1,00,000/- with default stipulation under Section 20(b)(ii)(C) of the NDPS Act, as ordered on 27.05.2024 by the Special Judge (NDPS Act), Kondagaon, District Kondagaon in Special Criminal Case (NDPS Act) No.10/2022. Learned counsel appearing for the appellants submits that all the mandatory provisions of NDPS Act have not been complied with by the prosecution. Seizure witnesses have also not sup-
-------------------	---

ported the prosecution's case. There are material contradictions in the evidence of prosecution witnesses. The appellants are in jail since more than three years and final adjudication of appeal will take its own time and therefore the appellants may be enlarged on bail.

On the other hand, the State counsel opposes the bail application and have submitted that total 65.420 KG of Ganja has been seized from the possession of the appellants which is a commercial quantity and considering the nature of evidence collected by the prosecution during investigation as also the evidence available on record, they are not entitled to be released on bail.

Considering the submissions made by the counsel for the parties; considering the nature of allegation and the evidence produced by the prosecution and also considering the quantity of Ganja seized from the possession of appellants, this Court is of the opinion that it is not a fit case in which substantive jail sentence imposed on the appellants can be suspended.

Accordingly, I.A. No. 1 of 2024 is rejected.

Considering the fact that the appellants are in jail since 07.10.2021, list this case for final hearing in the week commencing 9th December, 2024.

Sd/-
(Ravindra Kumar Agrawal)
Judge