



2026:CGHC:10400



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1085 of 2019

1 - Narad Sahu S/o Shri Mattu Lal Sahu, aged about 32 years, R/o Village - Hathband Thana - Simga, District Balodabajar – Bhatapara (C.G.).

2 - Kaushilya Bai W/o Shri Ijraiel Masih, aged about 57 years, R/o Village - Hathband Thana - Simga, District Balodabajar, Bhatapara (C.G.)

... Appellants

Versus

State of Chhattisgarh, through the District Magistrate Mahasamund District Mahasamund (C.G.)

... Respondent

For Appellants : Mr. Sumit Shrivastava, Advocate.

For State : Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Arvind Kumar Verma

Judgement on Board

27.02.2026

1. This appeal is preferred under Section 374 (2) of the Code of Criminal Procedure, 1973 against the judgment dated 06.07.2019 passed by learned Special Judge (NDPS Act) Mahasamund (C.G.) in Special Criminal Case (NDPS) No. H-03/2018, wherein the said Court convicted the appellant and sentenced him as under:-



Conviction	Sentence
U/S 20 (ii) (B) of NDPS Act	R.I for 03 years with fine amount of Rs. 10,000/-, in default of payment of fine, to undergo further R.I. for 03 months.

2. As per case of the prosecution, on 30.10.2017 at about 15:00 pm, Sub Inspector Shiv Kumar has received a secret information through the informant that contraband article ganja kept in the bad was being transported by the person through red coloured motorcyle without any registration number and a woman was sitting on his motorcyle as a pillion rider. Upon receiving of this secret information, he recorded the secret information and prepared Mukhbir Suchna Panchnama in presence of the witnesses. He also informed about this information to the higher officials, thereafter he reached the spot along with the witness. In compliance of Section 50 of the NDPS Act he gave notice to the appellants and obtained their consent for search and thereafter recovered 12.200 kg ganja from them. After completion of other formalities he returned to the police station along with the seized property in Malkhana. The samples of seized cannabis were sent to FSL for its chemical examination. After completion of due and necessary investigation, a charge-sheet was filed by the police.
3. To robe the appellants in the crime in question, prosecution has examined as many as 12 witnesses. In the statement of the appellants recorded under Section 313 Cr.P.C., the appellants pleaded their innocence and false implication in the case.
4. Learned Trial Court after hearing the counsel for the respective parties and considering the material available on record, has convicted and



sentenced the accused/appellants as mentioned in opening para of this judgment.

5. Learned counsel for the appellants 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 appellants are at present aged more than 40 years and 65 years respectively, and they are facing criminal trial since 2017 and have already undergone more than 10 months' jail sentence awarded by the trial Court in NDPS Case No. H-03/2018. Therefore, the jail sentence awarded to the appellants may be reduced to the period already undergone by them.
6. *Ex adverso*, learned counsel for the respondent/State supporting the impugned judgment submits that learned Trial Court after minutely appreciating the oral and documentary evidence has rightly convicted and sentenced the appellants. So, there is no scope for interference by this Court. This appeal being without any merit is liable to be dismissed.
7. I have heard learned counsel for the parties and perused the material available on record including the impugned judgment.
8. From perusal of the records, it transpires that on 30.10.2017 Station House Officer received information that appellants were carrying Ganja in a bag and were going somewhere for transporting the same. After receiving the above said information the concerned officer along with his staff reached the spot where they seized 12.200 kg ganja from the appellants and thereafter a charge sheet has been filed against the present appellants. After following the due processes, chargesheet was submitted before the learned Special Judge who convicted the appellants under Section 20(ii)(B) of the NDPS Act, 1985 and



sentenced them to undergo Rigorous Imprisonment for 03 years and fine of Rs. 10,000/-. 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 NDPS Act, 1985.

9. 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 appellants possessed 12.200 kg of ganja in violation of the provisions of the NDPS Act.
10. As regards the sentence, keeping in view the facts that incident took place in the year 2017 and nearly 09 years have rolled by since then. The appellants are now aged more than 40 years and 65 years respectively; and out of 03 years of jail sentence, the appellants have already undergone more than 10 months' of jail sentence and they did not misuse the liberty so granted to them, while being on bail, they are is facing the *lis* since 2017 i.e., for about more than 09 years and no useful purpose would be served in again sending them to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them is reduced to the period already undergone by them.
11. *Ex consequenti*, the appeal is **partly allowed**. Conviction of the appellants under the aforementioned section is affirmed and they are



sentenced to the period already undergone by them. However, the fine amount imposed by the Trial Court shall remain intact. The impugned judgment stands modified to the above extent. They be released forthwith if not required in any other case.

12. The appellants are reported to be on bail, therefore, their bail bond shall remain in operation for a period of six months from today in view of provision of Section 481 of BNSS, 2023.
13. The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Arvind Kumar Verma)

JUDGE