



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRA No. 1367 of 2024

Ramjatan Ram S/o Raghunandan Ram Aged About 38 Years R/o Rajapura,
Aausanganj, P.S. - Jaitpura, District - Varanasi, (Uttar Pradesh)

... Appellant

versus

State Of Chhattisgarh Through S.H.O., Police Station - Khallari District Mahasamund
(C.G.)

---Respondent

29/08/2024	Heard Mr. Pushkar Sinha, learned counsel for the appellant and Mr. Vivek Sharma, learned Panel Lawyer, appearing for the State / respondent on the instant application for suspension of sentence and grant of bail (I.A. No. 1 of 2024). By the impugned judgment of conviction and order of sentence dated 30.05.2024, learned Special Judge (NDPS Act 1985), Mahasamund, District Mahasamund (C.G.) in Special Criminal case (NDPS Act) No. H-28/2019, has convicted and sentenced the appellant

as under:-

Conviction under Sections	Sentence
20(B)(ii)(C) of NDPS Act 1985	R.I. for 10 years with fine of Rs. 1,00,000/- in default of which additional Imprisonment for 1 year.

It has been argued by the learned counsel for the appellant that the contraband has not been seized from the exclusive possession of the present appellant and has been falsely implicated in the crime in question. He further submits that the proper compliance of Section 42(2) and 52(A) N.D.P.S. Act has not been done by the Investigating Officer. The appellant is in jail since 12.06.2019 and already served 5 years and 2 months, hereby completed half of the sentence and the appeal is likely to take sometime for final disposal, therefore he may be released on bail.

On the other hand, learned State Counsel opposes the bail application and submits that 135 Kg ganja has been seized from possession of the present appellant. The appellant had rightly been convicted for the aforesaid offence, therefore, he is not entitled for relief of bail. Hence, the application for suspension of sentence for grant of bail is deserves to be dismissed.

I have heard learned counsel for the parties and perused the records of the trial Court.

Taking into consideration the facts and circumstances of the case particularly the fact that 135 Kg ganja was seized from the possession of the appellant which is much more than the commercial quantity and after trial, the trial Court has convicted the appellant/accused for the aforesaid offence and without commenting on merits of the case, this Court finds it appropriate to reject the instant application for suspension of sentence and grant of bail, at this stage.

Consequently, I.A. No. 01 of 2024 stands rejected.

Let the matter be listed for final hearing in due course.

Sd/-

(Arvind Kumar Verma)
Judge