

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1104 of 2018

1. Chandraputel S/o Janmo Putel Aged About 29 Years R/o Saibahal, Police Station- Dongripali, District Sonpur, Odisha., District : Sonapur, Orissa
2. Upendra Meher S/o Bhagbatiya Meher Aged About 27 Years R/o Aylabhatha, Police Station Gaysilar, District Bargarh, Odisha., District : Bargarh, Orissa
3. Kanhaiya Baghaiya S/o Sarmaru Baghaiya Aged About 56 Years R/o Bhatkunda, Police Station- Sankra, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station, Sankra, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

CRA No. 1220 of 2018

1. Govind Mahapatro S/o Lekhrum Mahapatro Aged About 27 Years R/o Village Jamla, P. S. Padampur, Distt. Bargarh Odisha, District : Bargarh, Orissa
2. Kanhaiya Baghaiya S/o Samaru Baghaiya Aged About 56 Years R/o Village Bhatkunda, Thana Sankra, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankra, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

23/10/2018	Mr. Rahul K. Mishra Advocate for the appellants (in CRA No.1104/2018). Mr. Vikash Pradhan, Advocate for the appellants (in CRA No.1220/2018) Ms. Madhunisha Singh, P.L. for the State/respondent. Heard on I.A.No.1/2018, applications for suspension of sentence and grant of bail to the appellants. The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 23-06-2018, passed

in Special Criminal Case (N.D.P.S. Act) No. H 26/2017 by the Special Judge (N.D.P.S. Act) Mahasamund, District Mahasamund, C.G. in the following manner :-

Conviction	Sentence
U/s 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act	to undergo R.I. for 10 years and to pay fine amount of Rs.1,00,000/-, in default of payment of fine, to undergo additional R.I. for 1 year.

It is submitted on behalf of the appellants that the appellants have been erroneously convicted and sentenced in the impugned judgment of the trial Court. The seizure witnesses have not supported the prosecution case. Conviction of the appellants also suffers from illegality for the reason that the informant and the investigator is the same person. Hence, it is prayed that the sentence of imprisonment against the appellants be suspended and they may be enlarged on bail.

Per contra, learned counsel for the State opposed the prayer for suspension of sentence and grant of bail.

Heard learned counsel for the parties and perused the record of the trial Court.

After due consideration on the evidence present on record of the trial Court and also considering this fact that there is no likelihood of these appeals to come up for final hearing in near future, I am of this opinion that the applications deserve to be allowed.

Accordingly, I.A.No.1/2018, applications for suspension of sentence and grant of bail, are allowed.

It is directed that the jail sentence and fine sentence imposed upon the appellants shall remain suspended during the pendency of these appeals and these appellants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surely in like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **15th of January, 2019**.

They shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to them by the said Court, till disposal of these appeals.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge