



Order Sheet

CRA No. 272 of 2017

- Kailash Prasad Kewat @ Pachbhaieya S/o Anjor Singh Kewat, Aged About 40 Years R/o Maldi, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh. ---
Appellant

Versus

- State of Chhattisgarh through Station House Officer, Police Of Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Respondent**

18.04.2017	Mrs. Smita Jha, counsel for the appellant. Mr. Anupam Dubey, Dy.Govt. Adv., for the State. Heard on I.A.No. 1/2017 for suspension of sentence and grant of bail. The appellant stands convicted by the Judgment dated 22.10.2016 passed by the learned Special Judge (NDPS Act)-cum- 1st Addl. Sessions Judge, Balauda Bazar (C.G) in Special Sessions Trial No. 03/2015 for the offence punishable u/s 20(B)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo R.I., for 3 years and to pay a fine of Rs. 10,000/- with further default stipulation. Learned counsel for the appellant submits that the the maximum sentence imposed against the appellant is R.I., for 3 years whereas the appellant has already undergone jail sentence of more than 2 years, 2 months and 3 weeks as he is in jail since 24.01.2015 and the hearing of appeal on merits will take some time, therefore, the appellant may be released on bail. Per contra, learned State Counsel opposes the prayer. Considering the fact that the appellant is in jail since 24.01.2015 and the maximum term of sentence is 3 years as also the fact that hearing of appeal will take some time I am inclined to suspend the remaining	



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sentence and release the appellant on bail.

Accordingly, I.A.No. 1 is allowed and it is directed that the execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **18th July, 2017**. He 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 him by the said Court till the disposal of this appeal.

Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao