



2026:CGHC:3943

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 439 of 2017**

Jamil Khan S/o Shakil Khan, Aged About 50 Years R/o Sunder Nagar,
Gondia, Police Station City Kotwali, Gondia, District Gondia
(Maharashtra) **---- Appellant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bhimkhoj, District Mahasamund, Chhattisgarh **---- Respondent**

07/07/2017	Mr.Syed Imtiaz Ali, counsel for the appellant. Mr. Ramakant Pandey, Panel Lawyer for the State. Heard on I.A. No.1/2017, application for suspension of sentence and grant of bail to the appellant. Appellant stands convicted by the judgment of conviction and order of sentence dated 06.03.2017, passed in Special Criminal Case No.H-15/2016 by the learned Special Judge (N.D.P.S. Act), Mahasamund, District Mahasamund (C.G.) in the following manner :- <table><tr><th>Conviction</th><th>:</th><th>Sentence</th></tr><tr><td>U/s 20(B)(ii)(b) of the N.D.P.S. Act</td><td>:</td><td>R. I. for 5 years and fine of Rs.10,000/- in default of payment of fine, additional R.I. for 6 months.</td></tr></table> Learned counsel for the appellant submits that the maximum term of sentence imposed against the appellant is 5 years R.I. and he is in jail since 28.03.2016 for keeping 5kg. of cannabis (ganja). He further submits that the Investigating Officer and the information received by the Police Officer is one and same and the report of FSL has not been filed. Therefore, it is not being proved by the prosecution is whether the substance is cannabis or not. Therefore, the remaining jail sentence of the appellant may be suspended and he may be enlarged on bail.	Conviction	:	Sentence	U/s 20(B)(ii)(b) of the N.D.P.S. Act	:	R. I. for 5 years and fine of Rs.10,000/- in default of payment of fine, additional R.I. for 6 months.
Conviction	:	Sentence					
U/s 20(B)(ii)(b) of the N.D.P.S. Act	:	R. I. for 5 years and fine of Rs.10,000/- in default of payment of fine, additional R.I. for 6 months.					



Per contra, learned State counsel opposes the prayer for grant of bail.

I have perused the statement of the Investigating Officer (PW7), wherein in para 16, it has been stated that the sample is shown to be marked as A-2.

Considering the fact that maximum term of sentence is. R.I. for 5 years and the appellant is in jail since 28.03.2016 and also taking into the fact that hearing of appeal will take some time, I am inclined to suspend the remaining jail sentence and release the appellant on bail subject to depositing the amount of fine of Rs.10,000/- before the trial Court.

Accordingly, I.A. No.1/2017 is allowed and it is directed that the execution of further substantive jail sentence of appellant shall remain suspended and he shall be released on bail on his depositing fine amount of Rs.10,000 and 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 **27.09.2017**. 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.

Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge