



Order Sheet

CRA No. 590 of 2017

- Heeradhar Yadav S/o Pareshwar Yadav Aged About 29 Years R/o Village Kukargaon, Hardi Jhariya, Police Station Bagbahar, District Jashpur, Chhattisgarh

----Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh

---- Respondent

17/07/2018	Shri Ajeet Kumar Yadav, Advocate for the appellant. Ms. Astha Shukla, PL for the State. Heard on I.A.No.2, application for suspension of sentence and grant of bail. The appellant stands convicted under Section 20 (B) II (B) NDPS Act and sentenced to undergo R.I. for 5 years and to pay fine of Rs.25000/- with usual default stipulation vide judgment dated 24.03.2017 passed by the Special Judge (NDPS Act) Ambikapur (C.G.) in Special Criminal Case No.04/2014. Learned counsel for the appellant would submit that the appellant is in jail since 24.03.2017 and earlier to that he was in jail since 12.01.2014 to 19.05.2014. He further submits that there is non-compliance of Section 50 of the NDPS Act and the cannabis was not seized in person from the appellant, therefore, the substantive jail sentence imposed upon the appellant may be suspended and he may be released on bail. Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail. Considering the facts of this case and also taking into that the appellant is in jail since 24.03.2017, I am inclined to suspend the sentence and release the appellant on bail. Accordingly, I.A.No.2, application for suspension of sentence and



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grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on depositing 50% of the fine amount and on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **4th September, 2018**. 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.

Sd/-

Goutam Bhaduri

Judge

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