



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1200 of 2025

1 - Avyakta Mishra S/o Shri Lovkush Mishra Aged About 21 Years R/o Pithampur Distt. Indore M.P India, Chhattisgarh

2 - Bagish Saket S/o Shri Roshanlal Saket Aged About 19 Years R/o Jorrat P/S Mangava Distt. Rewa M.P. India

... Appellant (s)

versus

State Of Chhattisgarh Through P/S Basna Distt Mahasamund C.G.

... Respondent(s)

03/09/2025	<p>Mr. Ajay Kumar Mishra, counsel for the appellants. Mr. Sanjeev Pandey, Dy. A.G. for the State. Heard on admission. Appeal is admitted for hearing. Also heard on IA No.1, application for suspension of sentence and grant of bail. Appellants have been convicted under Section 20 (b) (ii) (B) of NDPS Act and sentenced to undergo RI for 8 years with fine of Rs.50,000/-, in default of payment of fine to further undergo</p>



additional RI for 6 months vide judgment of conviction and order of sentence dated 12.06.2025 passed in Special Criminal NDPS Case No. 45 of 2023 by learned Special Judge (NDPS), Saraipali, District- Mahasamund (CG).

Learned counsel for the appellants submits that entire case as set-up by prosecution against appellants is suspicious on face of documents of proceedings prepared by police during investigation and marked as exhibits. He contended that in FIR date and time of incident is mentioned as 07.09.2023 at 23:30 hrs (11:30 pm). Information given to police is also mentioned as 08.09.2023 at about 02:30, whereas, notice as given under Section 91 of Cr.P.C. to accused persons is dated 07.09.2023 at about 19:40 hrs. i.e. 07:40 pm and 07:50 pm. He also contended that in the notice under Section 160 of Cr.P.C. date and time is mentioned as 07.09.2023 at about 16:00 hrs. In notice under Section 50 of NDPS Act, time is mentioned as 17:15 hrs. and 17:10 hrs. which makes the case of prosecution suspicious. He also contended that in proceedings recorded by police during course of investigation there is mentioning of seizure of 13 packets allegedly carrying in a bag by appellants and other co-accused persons, however, Investigating Officer in his evidence has stated that contraband was not in packets but in bag.

On the other hand, learned counsel for the State opposes submissions of learned counsel for the appellants and would submit that all the proceedings as provided under the NDPS Act have been strictly followed. He contended that Auto in which appellants were traveling were intercepted in the evening and after completion of proceedings, FIR was registered. He also contended that in FIR there is mention of seizure of contraband from bag.



<p>Praveen</p>	<p>I have heard learned counsel for the parties.</p> <p>Taking into consideration the submission of learned counsel for the respective parties, evidence available on record, I do not consider present to be an appropriate case to suspend the substantive jail sentence imposed on the appellants.</p> <p>Accordingly, IA No.1, application for suspension of sentence and grant of bail filed by appellants is hereby dismissed.</p> <p style="text-align: right;">Sd/- (Parth Prateem Sahu) Judge</p>
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