



Order Sheet

CRA No. 625 of 2017

- Brijesh Ahirwar S/o Khilawan Ahirwar, Aged About 20 Years R/o Mangola, Police Station Mangron, District Damoh, Madhya Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station G.R.P. Bilaspur, District Bilaspur, Chhattisgarh. --- **Respondent**

26.04.2017	Mrs. Kiran Jain, counsel for the appellant. Mr. Suryakant Pandey, P.L., for the State. Heard. Admit. Call for the records. Also heard on I. A. No. 1 of 2017 for suspension of sentence and grant of bail. The appellant stands convicted and sentenced by the Judgment dated 20.04.2017 passed by the learned Special Judge (NDPS Act) Bilaspur in Special Case No. 28/2016. The conviction and sentence are as follows: <table border="1"> <thead> <tr> <th>Conviction</th><th>:</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>U/s 20-B(ii) of the Narcotic Drug & Psychotropic Substances Act</td><td>:</td><td>R.I., for two years and fine of Rs.10,000/-, in default of payment of fine, additional R.I., for 2 months</td></tr> </tbody> </table> Learned counsel for the appellant would submit that the maximum jail sentence imposed against the appellant is R.I., for two years whereas he is in jail since 03.01.2016 that is more than half of the jail sentence has already been undergone by the appellant. He further submits that hearing of the appeal will take time, therefore, the remaining jail sentence of the appellant be suspended. Per contra, learned State Counsel opposes the prayer.	Conviction	:	Sentence	U/s 20-B(ii) of the Narcotic Drug & Psychotropic Substances Act	:	R.I., for two years and fine of Rs.10,000/-, in default of payment of fine, additional R.I., for 2 months	
Conviction	:	Sentence						
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2026:CGHC:9375

Looking to the term of sentence and the period of sentence already undergone by the appellant as he is stated to be in jail since 03.01.2016 and further considering the fact that the hearing of appeal will take some time I am inclined to suspend the remaining sentence and release the appellant on bail subject to depositing fine amount of Rs.10,000/- as imposed by the trial Court.

Accordingly, I.A.No. 1 is allowed and it is directed that the execution of remaining jail sentence shall remain suspended and the appellant shall be released on bail on his depositing fine of Rs.10,000/- and on 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 **10.07.2017**. 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**

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