



2026:CGHC:13212

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 1133 of 2018

Bhushan Chandrakar S/o Late Ramji Chandrakar Aged About 56 Years R/o- Village Dandesara Police Station Kurud, Tahsil Kurud, District- Dhamtari, Chhattisgarh.

--- Appellants.

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Ajuni, District- Dhamtari, Chhattisgarh.

---Respondent

AND

CR.A. No. 1320 of 2018

Punitram Netam S/o Late Shri Ramdayal Netam Aged About 35 Years R/o- Village- Ratnabandha Basti, Thana- City Kotwali Dhamtari, Civil And Revenue District- Dhamtari, Chhattisgarh.

--- Appellant.

Versus

State Of Chhattisgarh Through- The District Magistrate Dhamtari, District- Dhamtari, Chhattisgarh.

---Respondent

01/10/2018	Mr. Sunil Sahu and Mr. Anil Gulati, counsel for the respective appellants. Mr. Avinash K. Mishra, Panel Lawyer for the State. Heard on I.A. Nos.1/2018, applications for suspension of sentence and grant of bail in both the cases. Appellants have been convicted by the judgment of conviction and order of sentence dated 17.07.2018, passed in Special Criminal Case No. 174/2017, by the learned Special Judge (N.D.P.S. Act) Dhamtari, District – Dhamtari (C.G.) in the following manner :-



U/s. 20 (B) (ii) (B) of N.D.P.S. Act	:	R.I. for 5 years and fine of Rs.25,000/- and in default of payment of fine, further under go 3 months of R.I. separately to each of the appellants
Learned counsel appearing for the appellants would submit that the appellants have been erroneously convicted by the trial Court. The independent witnesses of search and seizure have turned hostile and they have not supported the prosecution case. The conviction against the appellants suffers from illegality as the informant and the investigator is the same person. Appellants are hopeful to succeed in the appeals and there is no likelihood of these appeals to be heard in near future. Hence, it is prayed that the sentence of imprisonment and the fine amount imposed against the appellants be suspended and they may be enlarged on bail. Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail. I have heard the learned counsel for the parties and perused the record of the trial Court. On perusal of the record of the trial Court, it appears that the independent witnesses of search and seizure have not been examined by the prosecution and the conviction is based only on the evidence of investigator and the police and there is no likelihood of the appeals to be heard in near future, hence for these reasons, this Court is of the opinion that it is a fit case to suspend the sentence release the appellants on bail. The sentence of fine amount is suspended in part. The appellant shall be released on bail after depositing the fine amount of Rs.15,000/-. The remainder payment of fine amount shall be suspended. Accordingly, I.A. Nos.1/2018, applications for suspension of sentence and grant of bail, are allowed. Execution of substantive jail sentence and the fine amount		



imposed on appellants shall remain suspended and they are directed to be released on bail on their depositing fine amount of Rs.15,000/- and executing a personal bond for a sum Rs.25,000/- with two local surety each for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **12th December, 2018.** They 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 them by the said Court, till the disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge