



2026:CGHC:3630



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 864 of 2016

Punai Bai Yadav W/o Late Lala Yadav Aged About 45 Years
R/o Mission Road, Korba, District Korba, Chhattisgarh.
... **Appellant.**

versus

State Of Chhattisgarh Through The Police Station Kotwali,
Korba, Chhattisgarh.
---- **Respondent**

For the Appellant : Ms. Anjali Pradhan, Advocate.

For the State/Respondent : Mr. Surendra Dewangan, PL.

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

21.01.2026

1. Challenge in this criminal appeal is to the impugned judgment of conviction and sentence dated 07.07.2016 passed in Special NDPS Case No.15/2015, by which, learned Special Judge, (NDPS Act), Korba, (CG), has convicted the appellant for offence punishable under Section 20(B)(ii)(b) of the NDPS Act and sentenced him to undergo maximum RI for 03 years and



fine of Rs.10,000/-, in default to undergo additional RI for 01 year.

2. The prosecution case, in brief, is that on 08.08.2015 at about 15:40 hours, Sub-Inspector Deepa Kevant, posted at Police Outpost Kotwali, Korba, received secret information through a reliable informant over telephone that a woman was proceeding from the side of the Railway Over Bridge towards Mission Road, Korba, carrying illegal contraband ganja in a white coloured plastic bag. Upon receiving the said information, the Police proceeded to the spot indicated by the informant and laid a trap near the railway turning below the Railway Over Bridge. During the operation, a woman matching the description given by the informant was seen approaching from the direction of the Railway Over Bridge. She was stopped and on enquiry disclosed her name as Punai Bai (present appellant). During course of search, 3.900 kg ganja was seized from the appellant. On the basis of seizure, she has been arrested under the NDPS Act. After completion of other necessary formalities, the police returned to the Police Station and deposited the seized contraband (ganja) in the Malkhana and lodged FIR against the appellant. Statements of witnesses were recorded under Section 161 of Cr.P.C.



3. After completion of investigation, charge-sheet was filed and based upon which, trial Court framed the charges against the appellant for offence under the Act of NDPS Act.
4. In order to prove guilt of appellant, prosecution examined total 09 witnesses and their statements were recorded. However, no defence witnesses was examined. Statement of appellant (accused) was recorded under Section 313 CrPC in which she pleaded innocence and false implication.
5. After completion of trial, trial Court convicted and sentenced the appellant as mentioned in paragraph -1 of this judgment. Hence, this appeal.
6. Learned counsel for the appellant submits that she is not pressing this appeal on merits and confining her arguments to the quantum of sentence only. She contended that quantity of contraband (ganja) seized from the appellant is less than the commercial quantity. Appellant has already served about 11 months and 07 days of jail sentence. She do not have any previous criminal incident, hence, it is prayed that sentence awarded to appellant be reduced to the period already undergone by him.
7. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that the trial Court has rightly convicted and sentenced the appellant and,



therefore, the impugned judgment does not call for any interference.

8. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
9. Though learned counsel for the appellant has not challenged conviction of appellant and restricted her prayer only with regard to reduction of sentence as undergone, but still this Court deems it appropriate to examine the impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.
10. Perusal of impugned judgment reveals that trial Court has discussed about the compliance of mandatory provisions of the NDPS Act and held that all the mandatory provisions under the NDPS Act had been complied with and after elaborately considering evidence of each individual material witness has observed that prosecution has proved its case beyond reasonable doubt against appellant herein and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant is guilty for the aforementioned offence.
11. As regards quantum of sentence, considering total quantity of contraband (ganja) seized from the appellant, i.e ,3.900 kg only, period of sentence imposed by trial Court upon the



appellants, further the fact that appellant is a lady (aged about 54 year) and she has already served about 11 months and 07 days of jail sentence, she does not have any previous antecedents in similar nature, this Court is of the opinion that no useful purpose would be served in sending the appellant to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to appellant is reduced to the period already undergone by him.

12. In the result, the appeal is allowed in part. Conviction of appellants under Section 20(B)(ii)(b) of the NDPS Act is hereby affirmed. Sentence imposed upon the appellant under aforesaid Section is hereby modified and reduced to the period already undergone by her. However, fine amount imposed upon the appellant shall remain intact.

13. Record of trial Court alongwith copy of this judgment be sent back immediately to trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-