



HIGH COURT OF CHHATTISGARH, BILASPUR

2026:CGHC:9731

CRA No. 1405 of 2018

1. Ankit Kesharwani S/o Shri Chirounji Lal Kesharwani, Aged About 20 Years, R/o Village- Bhadwa, P.S.- Kokhraj, District (Revanue And Civil) - Koshambi, Uttar Pradesh., District : Kaushambi, Uttar Pradesh
2. Shivkumar Yadav S/o Rambhanvar, Aged About 22 Years, R/o Village- Kakoha Debhita, P.S.- Kokhraj, District (Revanue And Civil) - Koshambi, Uttar Pradesh., District : Kaushambi, Uttar Pradesh

---- Appellants

Versus

- State Of Chhattisgarh Through District Magistrate, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

05/10/2018	Shri Yogesh C. Pandey, Advocate for the appellants. Shri Vijay Bahadur Singh, P.L. for the State/respondent. Heard on I.A.No.1/2018 for suspension of sentence and grant of bail to the appellants. The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 31-08-2018, passed in Special Criminal Case under the NDPS Act No.25/2017 by the Special Judge (NDPS Act) Raipur, District Raipur, C.G. in the following manner:- Appellant No.1 - Ankit Kesharwani <table border="1" data-bbox="336 1464 1390 1693"> <tr> <th>Conviction</th><th>Sentence</th></tr> <tr> <td>U/s 20(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985</td><td>to undergo R.I. for 2 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months.</td></tr> </table> Appellant No.2 - Shivkumar Yadav <table border="1" data-bbox="336 1753 1390 1982"> <tr> <th>Conviction</th><th>Sentence</th></tr> <tr> <td>U/s 20(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985</td><td>to undergo R.I. for 6 months and to pay fine amount of Rs.5,000/-, in default of payment of fine, to undergo additional R.I. for 1 month</td></tr> </table> It is submitted on behalf of the appellants that the appellants have been erroneously convicted and sentenced in the impugned judgment of the trial Court.	Conviction	Sentence	U/s 20(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	to undergo R.I. for 2 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months.	Conviction	Sentence	U/s 20(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	to undergo R.I. for 6 months and to pay fine amount of Rs.5,000/-, in default of payment of fine, to undergo additional R.I. for 1 month
Conviction	Sentence								
U/s 20(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	to undergo R.I. for 2 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months.								
Conviction	Sentence								
U/s 20(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	to undergo R.I. for 6 months and to pay fine amount of Rs.5,000/-, in default of payment of fine, to undergo additional R.I. for 1 month								



The seizure witnesses in this case have not supported the prosecution case. It is also submitted that appellant No.1 is in jail for about 1 years and 10 months, whereas, he has been sentenced with imprisonment of R.I. for two years. Similarly, appellant No.2 has been sentenced imprisonment of R.I. for 6 months, whereas, he has completed about three months in jail. There is no likelihood of this appeal being heard finally in the near future. Hence, it is prayed that the sentence of imprisonment against the appellants be suspended and they may be enlarged on bail.

Per contra, learned counsel for the State opposed the prayer for suspension of sentence and grant of bail.

Heard learned counsel for the parties and perused the record of the trial Court.

After perusing the evidence present on the record of the trial Court on which conviction against the appellants is based and also considering the period already undergone by the appellants in jail and for the reason that there is no likelihood of this appeal to come up for final hearing in near future, I feel inclined to allow this application.

Accordingly, I.A.No.1/2018, application for suspension of sentence and grant of bail, is allowed.

It is directed that the jail sentence imposed upon the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surely in like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **7th of 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 disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge