

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1038 of 2017

1. Jarodhan Singh S/o Samelal Uraon, Aged About 40 Years R/o Village Pendra, Police Station Pendra, District Bilaspur, Chhattisgarh.
2. Sounsar Singh, S/o Ramfal Lakra, Aged About 40 Years R/o Village Suidhar, O.P. Belgahna, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Appellants

Versus

- State of Chhattisgarh Through Police Station Kota, District Bilaspur, Chhattisgarh.

---- Respondent

24/10/2017	Ms. Kiran Jain, Advocate for the appellants. Shri Ramakant Pandey, PL for the State. Heard on application for deleting the name of appellant No.2 Sounsar Singh from the memo of appeal. On due consideration, the application is allowed. Let necessary amendment be made within a week. Admit. Call for the record. Also Heard on I.A.No.2/17, application for suspension of sentence and grant of bail. Appellant Jarodhan Singh stands convicted under Section 20 (B) (ii) (C) of the NDPS Act and sentenced to undergo R.I. for 10 years and to pay fine of Rs.100000/- with usual default stipulation vide judgment dated 11.04.2017, passed by the Special Judge (NDPS Act, 1985), Bilaspur in Special Criminal Case No.35/2013. Learned counsel for the appellant would submit that as per the definition of Section 2 sub-section (viia) the commercial quantity has been defined to be greater than the quantity specified by the Central Government by notification in the Official Gazette and in the notification the commercial quantity is shown to be 20 K.G. and here the prosecution case is that 20 K.G. cannabis was seized, therefore, the

quantity falls within the definition of commercial quantity and not greater than commercial quantity. He would further submit that the appellant is in jail since 24.09.2013 i.e. for about more than 4 years and this appeal is of the year 2017 it may take time for hearing, therefore, the appellant may be released on bail.

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

Considering the facts of this case and submission of the appellant with respect to the quantity of cannabis and the fact that the appellant is in jail since 24.09.2013, I am inclined to suspend the sentence and release the appellant on bail.

Accordingly, I.A.No.2/17, application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellant **Jarodhan Singh** shall remain suspended and he is directed to be released on bail on depositing fine amount of Rs.25000/- and on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **4th January, 2018**. 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.

Sd/-

Goutam Bhaduri

Judge

Ashu