



2026:CGHC:10124

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1515 of 2018

Shiv Kumar Yadav S/o Horilal Yadav Aged About 61 Years R/o Village - Kachhar, Police Station - Koni, District - Bilaspur, Chhattisgarh.

... Appellant.

versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Koni, District - Bilaspur, Chhattisgarh.

---- Respondent

For the Appellant : None.

For the State/Respondent : Mr. Rishiraj Pithawa, Dy. GA.

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

26.02.2026

1. Challenge in the criminal appeal is to the impugned judgment of conviction and sentence dated 22.09.2018 passed in Special (NDPS) Case No.302/2016, by which, learned Special Judge, (NDPS Act), Bilaspur, (CG), convicted the appellant for offence punishable under Section 20(B)(ii-B) of the NDPS Act and sentenced him to undergo maximum RI for 01 year and fine of

Rs.15,000/-, in default to undergo additional RI for 02 months.

2. When the case is taken up for hearing, no one appeared on behalf of appellant to press this appeal, therefore, I requested for assistance from a Counsel of the High Court Legal Services Committee. Mr. Rakesh Manikpuri, Advocate is nominated to assist the Court on behalf of the appellant.
3. I have gone through the judgment under appeal and the depositions of witnesses and exhibits assisted by Mr. Rakesh Manikpuri, Advocate and learned State Counsel. In view of decision of hon'ble Supreme Court in case of **Surya Baksh Singh v. State of Uttar Pradesh, (2014) 14 SCC 222**, I do not consider it necessary to adjourn this case and issue fresh notice to the appellant as his interest has been duly taken care of by nominating another Counsel from the High Court Legal Services Committee.
4. Case of prosecution, in brief, is that on 22.03.2016, based on secret information, the Police intercepted the appellant in his house and during search seized 1.938 kg illicit contraband (ganja) from him, which he kept in his house for selling. On the basis of seizure, he was arrested under the NDPS Act. After completion of other necessary formalities, Police returned to the Police Station and deposited the seized contraband (ganja) in Malkhana and lodged FIR against the appellant-accused.

5. After completion of investigation, charge-sheet was filed and trial Court framed the charge against the appellant for offence under the Act of NDPS Act.
6. In order to prove guilt of appellant, prosecution examined total 13 witnesses and their statements were recorded. However, two defence witnesses have been examined. Statement of appellant (accused) was recorded under Section 313 CrPC in which he pleaded innocence and false implication.
7. After completion of trial, trial Court convicted and sentenced the appellant as mentioned in paragraph -1 of this judgment. Hence, this appeal.
8. Learned counsel for the appellant submits that he is not pressing this appeal on merits and confining his arguments to the quantum of sentence only. He contended that quantity of contraband (ganja) seized from the appellant is an intermediate quantity. Out of 01 year of jail sentence, present appellant has already served about 03 months and 02 days of jail sentence, he does not have any previous criminal incident, hence, it is prayed that sentence awarded to the appellant be reduced to the period already undergone by him.
9. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellant, would submit that the trial Court has rightly convicted and sentenced the appellant and

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

10. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.

11. 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.

12. 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.

13. As regards quantum of sentence, considering total quantity of contraband (ganja) seized from the appellant, 1.938 kg, further the fact that out of 01 year of jail sentence, present appellant

has already served about 03 months and 02 days of jail sentence, he does not have any previous antecedents in similar nature, incident is of the year 2016, i.e. more than 09 years have elapsed, 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.

14. In the result, the appeal is allowed in part. Conviction of appellant 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 him. However, fine amount imposed by the trial Court upon the appellant shall remain intact.

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

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-