

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**CR.A. No. 1487 of 2018**

Rahul Deep, S/o. Chaitu Deep, Aged About 22 Years, R/o. Village- Gorlapada, Police Station- Turekela, District- Balangir, Odisha. At present Address- House Of Rajesh Chhura, Santosh Nagar, Birgaon, Raipur, District- Raipur, Chhattisgarh.

--- Appellant.

**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station- G.R.P. Thana, Raipur, District- Raipur, Chhattisgarh.

---Respondent

4			
13/11/2018	<p>Mr. Anil Tripathi, counsel for the appellant. Mr. Anil S. Pandey, G.A. for the State.</p> <p>Heard on I.A. No.1/2018, application for suspension of sentence and grant of bail.</p> <p>Appellant has been convicted by the judgment of conviction and order of sentence dated 30.08.2018, passed in Special Criminal Case under NDPS Act No. 299/2017, by the learned Special Judge (N.D.P.S. Act) Raipur, District – Raipur (C.G.) in the following manner :-</p> <table border="1"><tr><td>U/s. 20 (B) (ii - b) of N.D.P.S. Act</td><td>: R.I. for 2 years and fine of Rs.10,000/- and in default of payment of fine, further under go 3 months of R.I.</td></tr></table> <p>Learned counsel appearing for the appellant would submit that the appellant has been erroneously convicted by the trial Court. The appellant is in jail since 28.08.2017. No case of conviction is made out against the appellant according to the evidence brought before the trial Court by the prosecution. The independent witnesses of search and seizure have turned hostile and they have not supported the case of the prosecution. The conviction of the appellant suffers from illegality for the reason that the informant and the investigator is the same person. Appellant is hopeful to succeed in this appeal and there is no likelihood</p>	U/s. 20 (B) (ii - b) of N.D.P.S. Act	: R.I. for 2 years and fine of Rs.10,000/- and in default of payment of fine, further under go 3 months of R.I.
U/s. 20 (B) (ii - b) of N.D.P.S. Act	: R.I. for 2 years and fine of Rs.10,000/- and in default of payment of fine, further under go 3 months of R.I.		

of this appeal to be taken up for hearing in near future. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he 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.

After perusing the deposition of the independent witnesses of search, seizure and Investigation Officer and further taking into consideration this fact that there is no likelihood of this appeal being heard in near future, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellant on bail.

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

Execution of substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail 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 **21<sup>st</sup> January, 2019**. 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.

Certified copy as per rules.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge