



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 1546 of 2018

Narendra Shikari, S/o. Aajulal Shikari, aged about 30 years, R/o. Village- Matiyari,
P.S. - Sipat, Civil and Revenue District – Bilaspur (C.G.)

--- Appellant.

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station – Sipat,
District – Bilaspur (C.G.).

---Respondent

22/11/2018	Ms. Richa Dwivedi, counsel for the appellant. Mrs. Madhunisha Singh, Panel Lawyer for the State. Heard on I.A. No.1/2018, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction and order of sentence dated 23.08.2018, passed in Special Criminal Case No. 05/2017, by the learned Special Judge (N.D.P.S. Act) Bilaspur, District – Bilaspur (C.G.) in the following manner :- <table><tr><td>U/s. 20 (B) (ii) (B) of N.D.P.S. Act</td><td>: R.I. for 1 year and fine of Rs.15,000/- and in default of payment of fine, further under go 3 months of R.I.</td></tr></table> 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 about 4 months. No case is made out against him on the basis of the evidence present on record. The independent witnesses of search and seizure have turned hostile and the conviction is based only on the evidence of the Investigating Officer. Appellant is hopeful to succeed in this appeal. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he may be enlarged on bail.	U/s. 20 (B) (ii) (B) of N.D.P.S. Act	: R.I. for 1 year and fine of Rs.15,000/- 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 1 year and fine of Rs.15,000/- and in default of payment of fine, further under go 3 months of R.I.		



balram	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. On perusal of the record of the trial Court, it appears that the independent witnesses of search and seizure have not supported the case of the prosecution and the conviction is based only on the evidence of investigation procedure. Hence, after due consideration and for the reason 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 <u>21st January, 2019</u>. 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
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