

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1972 of 2023**

1. Aasha Ram Bagh S/o Kura Bagh @ Indra Bagh Aged About 40 Years
R/o Village Motigaon Palsapara, Police Station Chandahandi, District :
Nabarangapur *, Orissa
2. Naresh Harpal S/o Bedlal Harpal Aged About 32 Years
R/o Village Dohel, Police Station Deobhog, District : Gariyabandh,
Chhattisgarh

----Appellants**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station-
Gariyabandh, District : Gariyabandh, Chhattisgarh

---- Respondent

30/10/2023	Shri S.P. Sahu, counsel for the appellants. Shri D.C. Verma, G.A. for the State/respondent. Heard on <u>I.A.No. 1/2023</u>, application under Section 389(2) of Cr.P.C. for suspension of sentence and grant of bail. By the impugned judgment dated 25/08/2023 passed by Special Judge, (N.D.P.S. Act) Raipur (C.G.) in Special Criminal Case No. 62/2018, the appellants stand convicted and sentenced as under:- <table border="1" data-bbox="323 1550 1347 1836"> <thead> <tr> <th data-bbox="323 1550 804 1615">Conviction</th><th data-bbox="804 1550 1347 1615">Sentence</th></tr> </thead> <tbody> <tr> <td data-bbox="323 1615 804 1836">Under Section 20 (b) (ii)(B) of NDPS Act.</td><td data-bbox="804 1615 1347 1836">R.I. for 4 years and fine amount of Rs. 25,000/-, in default of payment of fine amount further R.I. for six months each of the appellants.</td></tr> </tbody> </table> Learned counsel for the appellants submits that (PW-1) Kunal Dhargave and (PW-3) Jagga Nirmalkar are independent witnesses and they are hostile and not supported the prosecution case, the appellants	Conviction	Sentence	Under Section 20 (b) (ii)(B) of NDPS Act.	R.I. for 4 years and fine amount of Rs. 25,000/-, in default of payment of fine amount further R.I. for six months each of the appellants.
Conviction	Sentence				
Under Section 20 (b) (ii)(B) of NDPS Act.	R.I. for 4 years and fine amount of Rs. 25,000/-, in default of payment of fine amount further R.I. for six months each of the appellants.				

were in jail from 08/07/2018 to 11/12/2018 and after pronouncement of judgment they are in jail since 25/08/2023 till date. He also submits that appellants have falsely implicated in this case, prosecution failed to prove his case beyond all reasonable doubt. He further submits that disposal of this appeal will take some more time, therefore, they may be enlarged on bail.

Learned State counsel opposes the bail application and submits that trial Court has convicted the appellants as per evidence available on record and especially from the statements of (PW-4) Mo. Yusuf and Investigating Officer (PW-10) Sanjay Meravi it reveals that the illegal ganja 10 Kgs. each were seized from the possession of the each appellants, therefore, the trial Court has rightly convicted the appellants and they are not enlarge for grant of bail.

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

Considering the statements of Investigating Officer (PW-10) Sanjay Meravi and (PW-4) Mo. Yusuf and further considering the other evidence available on record, I am not inclined to enlarge the appellants on bail.

Accordingly, I.A. No. 1/2023, application under Section 389(2) of Cr.P.C. for suspension of sentence and grant of bail is dismissed.

The appeal is admitted for hearing.

List this case for final hearing after four weeks.

Sd/-
(Radhakishan Agrawal)
Judge