



2026:CGHC:10119



2026:CGHC:10119

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1578 of 2021

1 - Chandramani Sidar S/o Malik Ram Sidar Aged About 26 Years
R/o Village Chandrashekharapur (Edu), Police Station Chhal, District
Raigarh, Chhattisgarh.

2 - Smt. Ramla Devi W/o Heeradhar Dubey Aged About 55 Years
R/o Village Chandrashekharapur (Edu), Police Station Chhal, District
Raigarh, Chhattisgarh.

... Appellants.

versus

State Of Chhattisgarh Through Police Station Kapu, District- Raigarh,
Chhattisgarh.

---- Respondent

For the Appellants : Mr. Hariom Rai, Advocate

For the State/Respondent : Mr. Jitendra Shrivastava, 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 29.11.2021 passed in Special Criminal Case (NDPS Act) No.47/2020 by learned Special Judge, (NDPS Act), Raigarh, (CG), whereby appellants stand



convicted and sentence as under:

“Appellant No.1 for offence punishable under Section 20(b)(ii)(B) of NDPS Act and sentenced him to undergo maximum RI for 02 years and fine of Rs.10,000/-, in default to undergo additional RI for 04 months.

Appellant No.2 for offence punishable under Section 20(b)(ii)(a) of NDPS Act, sentenced her to undergo maximum RI for 06 months and fine of Rs.5,000/-; in default to undergo additional RI for 02 months.

2. Case of prosecution, in brief, is that on 16.04.2020, based on secret information, the Police intercepted the motorcycle on which appellant were travelling and during search seized total 2.900 kg illicit contraband (ganja) from them, ie, (2 kg from appellant No.1 and 900 gm from appellant No.2.). On the basis of seizure, they were 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 appellants-accused.
3. After completion of investigation, charge-sheet was filed and trial Court framed the charges against the appellants for offence under the Act of NDPS Act.
4. In order to prove guilt of appellants, prosecution examined total 12 witnesses and their statements were recorded. However, no defence witnesses was examined. Statement of



appellants (accused) were recorded under Section 313 CrPC in which they pleaded innocence and false implication.

5. After completion of trial, trial Court convicted and sentenced the appellants as mentioned in paragraph -1 of this judgment. Hence, this appeal.
6. At the outset, learned counsel for the appellants submits that appellant No.1/Chandramani Sidar has already been released from the jail after serving out the entire substantive sentence imposed upon him by the trial Court. Appellant No.1 has also deposited the fine amount as imposed upon him by trial Court.
7. Learned State Counsel submits that as per written instruction received from the Jail Superintendent, Central Jail, Raigarh, (CG), appellant No.1 has already completed his entire jail sentence awarded to him by the trial Court and released from the jail on 28.10.2023. Copy of written instruction placed before this Court. In this regard, he places reliance upon the dictum of Hon'ble Supreme Court in case of **Suresh Singh and Another v. State of Haryana** reported in **(2007) 13 SCC 518**. Relevant portion of said judgment reads as under:-

“12. It appears that thereafter on 22.01.2007, Criminal Miscellaneous Petition No. 1497 was filed wherein it was stated that Devender Singh (Accused 1) had expired. Death certificate was also



produced alongwith the application. It was further stated that Jai Bhagwan (Accused 2), Jai Pal (Accused 4) and Shamsheer Singh (Accused 5) be permitted to withdraw from special leave petition since all the three had already undergone the sentence and special leave on their behalf had become infructuous. The said application was allowed by the Court and the prayer was granted. Thus, out of the six accused only two have remained viz. Suresh Singh, Appellant 1 (Accused 3) and Jagbir Singh, Appellant 2 (Accused No.6).”

8. Since, appellant No.1 has already completed his entire jail sentence and released from the jail on 28.10.2023 and learned counsel for the appellants does not want to press this appeal on merits on behalf of appellant No.1, the instant criminal appeal is disposed of on behalf of appellant No.1.
9. Let the written instruction received from the Jail Superintendent, Central Jail, Raigarh, be kept on record.
10. Learned counsel for the appellants submits that he is not pressing this appeal on merits with regard to appellant No.2/Smt. Ramla Devi and confining his arguments to the quantum of sentence only. He contended that quantity of contraband (ganja) seized from appellant No.2 is small quantity. Out of 06 months of jail sentence, she has already



served about 03 months and 16 days of jail sentence, she do not have any previous criminal incident, hence, it is prayed that sentence awarded to appellant No.2 be reduced to the period already undergone by her.

11. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that the trial Court has rightly convicted and sentenced appellant No.2 and, therefore, impugned judgment does not call for any interference.
12. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
13. Though learned counsel for the appellant has not challenged conviction of appellant No.2 and restricted his 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.
14. 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 the appellant No.2 herein and that being the position, this Court is of the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant No.2 is guilty for the aforementioned offence.

15. As regards quantum of sentence, considering quantity of contraband (ganja) seized from appellant No.2, i.e, 900 gm only, which is small quantity, further the fact that out of 06 months of jail sentence, appellant No.2 has already served about 03 months and 16 days of jail sentence, she does not have any previous antecedents in similar nature, incident is of the year 2020, i.e. more than 05 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending appellant No.2 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 her.
16. In the result, the appeal is allowed in part. Conviction of appellant No.2 under Section 20(b)ii(a) of the NDPS Act is hereby affirmed, sentence imposed upon appellant No.2 under aforesaid Section is hereby modified and reduced to the period already undergone by her. However fine amount imposed upon the appellant No.2 shall remain intact.



2026:CGHC:10119

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

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-