



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr. A. No. 1810 of 2024

1 - Dinesh Dahariya S/o Lste Raju Dahriya Aged About 21 Years Resident Of Bhilai Housing Board Coloney, H.No. 96 P.S. Jamul District - Durg (C.G.).

2 - Shive Kumar Tandan S/o Gajraj Tandan Aged About 23 Years Resident Of Bhilai Housing Board Coloney H.No. 99, P.S. Jamul, District - Durg (C.G.).

... Appellants

versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Arang District - Raipur (C.G.).

---- Respondents

19/03/2025	Ms. Anjali Pradhan, Advocate for the Appellants. Mr. Neeraj Sharma, Dy. AG for the State. Heard on I.A. No.1, application for suspension of sentence and grant of bail to appellants. By the impugned judgment of conviction and order of sentence dated 17/09/2024 (Annexure A-1), the appellants stand convicted as under:- <table border="1"> <thead> <tr> <th>Conviction</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>U/s 20(b)ii(B) of NDPS Act</td><td>: RI for 10 years & fine of Rs.1,00,000/-, in default of payment</td></tr> </tbody> </table>	Conviction	Sentence	U/s 20(b)ii(B) of NDPS Act	: RI for 10 years & fine of Rs.1,00,000/-, in default of payment
Conviction	Sentence				
U/s 20(b)ii(B) of NDPS Act	: RI for 10 years & fine of Rs.1,00,000/-, in default of payment				

	of fine, 02 years additional RI.
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Learned counsel for the appellants submits that appellants have been falsely implicated in this case, they have not committed any offence as alleged against them. Mandatory provisions of the NDPS Act has not been followed in this case. Independent witnesses have not supported the case of prosecution. Appellants are in jail since 18.10.2023 and appeal may take some time for final hearing, hence, sentence awarded to appellants may be suspended and they be enlarged on bail.

Learned State Counsel opposing the bail application of the appellants.

Heard counsel for the parties.

Considering facts of the case, submissions of counsel for the parties, particularly the fact that on the date of alleged incident ie 17.10.2023, the Police during search has seized total 21 kg of illicit contraband (ganja) from the possession of the appellants, further considering the statements of the prosecution witnesses and mandatory provisions of the NDPS Act, I am not inclined to suspend the sentence and release the appellants on bail.

Accordingly, I.A. No.1 is hereby rejected.

Certified copy, as per rules.

Sd/-
(Arvind Kumar Verma)
Judge