



HIGH COURT OF CHHATTISGARH, BILASPUR

2026:CGHC:10399

Order Sheet

Cr.A. No. 1629 of 2021

Smt. Prakash Bai Shrivash W/o Shankar Lal Shrivash, Aged About 38 Years R/o Pavni, Police Station Bilaigarh, District Baloda Bazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara(C.G.)

---- Appellant

Versus

State Of Chhattisgarh Through Police Station Bilaigarh, District Baloda Bazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara(C.G.)

---Respondent

20.10.2022	Shri Pushpendra Kumar Patel, counsel for the appellant. Ms. Abhiyunnati Singh, P.L. for the State/respondent. Heard on I.A.N0.01/2021, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 26/11/2021 passed by the learned Special Judge (N.D.P.S. Act), District- Balodabazaar (C.G.) in Special Session Trial No. 05/2017, the appellant stands convicted, as under:- <table><tr><th>Offences</th><th>Sentence</th></tr><tr><td>U/s 20B(ii)(b) of : N.D.P.S. Act, 1985</td><td>R.I. for 4 years and fine of Rs. 25,000/- in default of payment of fine 06 month additional simple Imprisonment.</td></tr><tr><td></td><td>The appellant has deposited the fine amount imposed by the learned trial court.</td></tr></table> Learned counsel for the appellant would submit that appellant has been convicted under offence punishable under section 22B(ii)(b) of N.D.P.S. Act, 1985. Prosecution witness - No. 2(Ramcharan Sahu), No.3 (Munna Lal Sahu) and No. 4 (Ranjit Dewangan) has turn hostile who are the material witnesses for proving the guilt of the accused. Therefore, the conviction of the appellant on the basis of the I.O. is illegal and would submit that the appellant being a lady, 1.300 kg of cannabis (Ganja) has been	Offences	Sentence	U/s 20B(ii)(b) of : N.D.P.S. Act, 1985	R.I. for 4 years and fine of Rs. 25,000/- in default of payment of fine 06 month additional simple Imprisonment.		The appellant has deposited the fine amount imposed by the learned trial court.
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U/s 20B(ii)(b) of : N.D.P.S. Act, 1985	R.I. for 4 years and fine of Rs. 25,000/- in default of payment of fine 06 month additional simple Imprisonment.						
	The appellant has deposited the fine amount imposed by the learned trial court.						



seized from the house of the appellant which is not in commercial quantity. Since she is in jail since 26/11/2021 and already undergone at about one year, therefore, the appellant may be released on bail.

On the other hand learned State counsel opposes the bail application and would submit that since the appellant has been convicted under N.D.P.S Act, therefore, the punishment awarded to the appellant would justified. Hence, the bail application filed by the appellant may be rejected.

I have heard counsel for the parties.

Considering the submission and fact of the case, the appellant has been convicted for 4 years out of which she had already undergone 1 year imprisonment, the appeal is of the year 2021, final hearing of the same will likely to take time and also considering the fact that the "Tolawati" have turn hostile, I am inclined to suspend the sentence of the appellant and release her on bail.

I.A. No.01/2021 is allowed.

Accordingly, application for suspension of sentence and grant of bail is **allowed** and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and she shall be released on bail on her executing a personal bond in sum of **Rs. 50,000/-** with one surety in the like sum to the satisfaction of trial Court for her appearance before the Registry of this Court on **19th December, 2022**. She 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 her by the said court till the disposal of this appeal.

Sd/-
(Narendra Kumar Vyas)
Judge