

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRA No. 1996 of 2023

1. Krishna Kumar S/o Shri Satendra Kumar Singh Aged About 21 Years R/o Gajrad Gorakshani Sasaram, Police Station Rohtas, District- Rohtas, Bihar.
2. Ravi Kumar S/o Manoj Mishra Aged About 21 Years R/o Village- Sishrit, Police Station Nokaha, District- Rohtas, Bihar.
3. Ritesh Kumar S/o Subhash Chaurasiya Aged About 20 Years R/o Village Mokar, Police Station Agret, District- Rohtas, Bihar.

---- Appellants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Kunkuri, District- Jaspur, Chhattisgarh.

---Respondent

01/07/2024	Heard Mr. Manoj Paranjpe, along with Mr. Ashutosh Shukla and Vaibhav A. Goverdhan, learned counsel for the appellants and Ms. Monika Thakur, learned Panel Lawyer appearing for the State / respondent on the instant application for suspension of sentence and grant of bail (I.A. No. 1 of 2023). By the impugned judgment of conviction and order of sentence dated 30.09.2023, learned Special Judge (NDPS Act 1985), Jaspur, District Jaspur (C.G.) in Special Criminal Case (NDPS Act 1985) No.

08/2019, has convicted and sentenced the appellants as under:-

Conviction under Sections	Sentence
20 (B)(ii)(C) of NDPS Act 1985	R.I. for 10-10 years each with fine of Rs. 1,00,000/- in default of which additional Imprisonment for 1 year each

It has been argued by the learned counsel for the appellants that the contraband has not been seized from the exclusive possession of the present appellants and have been falsely implicated in the crime in question. They further submit that the proper compliance of Section 42(2) and 52(A) N.D.P.S. Act has not been done by the Investigating Officer. The appellants were on bail during the trial and even after the pronouncement of judgment and the appeal is likely to take sometime for final disposal, therefore they may be released on bail.

On the other hand, learned State Counsel opposes the bail application and submits that the 129.060 K.G. 250 Gram of contraband has been seized from the joint possession of the present appellants. The appellants had rightly been convicted for the aforesaid offence, therefore, they are not entitled for relief of bail. Hence, the application for suspension of sentence for grant of bail is deserves to be dismissed.

I have heard learned counsel for the parties and perused the records of the trial Court.

Taking into consideration the facts and circumstances of the case particularly the fact that 129 Kg 250 Gram of contraband (ganja) was seized from the joint possession of the appellants which is much more than the commercial quantity and without commenting on merits of the case, this Court finds it appropriate to reject the instant application for suspension of sentence and grant of bail, at this stage.

Consequently, I.A. No. 01 of 2023 stands rejected.

Let the matter be listed for final hearing on 21.08.2024.

Sd/-

(Arvind Kumar Verma)
Judge