



2026:CGHC:9154



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 226 of 2017**

Kamlu Paangi S/o Gora Paangi, Aged About 22 Years R/o Village Bada Duraal, Police Station Mudlipada, District Malkangiri, Odhisha ., Orissa

... Appellant**versus**

State Of Chhattisgarh Through The Police Station G.R.P. Raipur, District Raipur, Chhattisgarh, Chhattisgarh

... Respondent(s)

For Appellant : Mr. Rakesh Kumar Manikpuri on behalf of Mr. Sanjay Shrivastava, Advocate

For Respondent(s) : Mr. Rishi Raj Pithawa, Panel Lawyer

Hon'ble Shri Justice Arvind Kumar Verma**Judgment on Board****20/02/2026**

1. This criminal appeal has been filed under Section 374 (2) of Cr.P.C., 1973 by the appellant against the judgment of conviction and order of sentence dated 12.01.2017 passed by the learned Special Judge (N.D.P.S. Act, 1985), Raipur (C.G.), in Special



Criminal Case No. 51/2016, whereby the appellant has been convicted and sentenced as follows:-

Convicted	Sentenced to
U/s 20(b)(ii)(B) of N.D.P.S. Act, 1985	R.I. for 5 years with fine of Rs. 20,000/-, in default of payment of fine, additional R.I. for 6 months

2. The prosecution case in brief is that on 04.02.2016, Station House Officer/Sub-Inspector L.S. Rajput of Police Station GRP, Raipur, received information from an informant that two young men, each aged twenty-two, were carrying narcotic substance marijuana in a backpack and an air bag. They had come from Orissa by bus and were sitting on the platform near the toilet on the Durg side of Platform No. 1 of Raipur Railway Station, waiting for a train to Nagpur. Police summoned witnesses Junaid Khan and Santosh Sahu through Head Constable Mahendra Pandey, and prepared an Informant Information Panchnama and a Search Without Warrant Panchnama in their presence. Copies of both these Panchnamas were sent to the Deputy Superintendent of Police, Railway, Raipur. When the police went to the scene of the incident, near the toilet on the Durg side of Platform No. 1 of Raipur Railway Station according to the information, the accused, Kamalu Pangi, was found carrying a moss-colored backpack and a purple air bag. A notice was issued to the accused, requesting a magistrate, a gazetted officer, or the investigating officer, L.S. Rajput, to have him and his bags searched. The accused stated that he had come



from Lamtapur, Odisha, with his accomplice, Kamalu Pangi, carrying the bags containing marijuana. He consented to the investigation and the investigation. The investigating officer subjected the accused to a search of himself, his staff members, and the witnesses, but no narcotic substance, marijuana, was found. Police searched the accused's bags, and found one packet of greenish-brown, floral, seed-bearing plant marijuana, weighing 13 kilograms. Two sample packets, A-1 and A-2, weighing 50 grams each, were prepared for FSL testing. The accused was found in possession of an Election Commission ID card and a train ticket from Raipur to Nagpur, dated 04.02.2016. The above marijuana sample packets and ID were recovered from the accused. Cards and train tickets were confiscated. The police returned to the police station from the scene of the incident and filed a First Information Report. The seized property was deposited in the police station's storehouse. The accused was arrested. Witness statements were recorded. Information regarding the action taken by the investigating officer was sent to the Superintendent of Police, Railway, Raipur and the court. The sample packet of seized marijuana was chemically tested at the State Forensic Science Laboratory, Raipur, in which the sample packet was found to contain marijuana. After completing the investigation, the police submitted the final report to this court on 26.03.2016.

3. The learned Special Judge (NDPS) Durg (C.G.), after appreciating oral and documentary evidence available on record vide judgment



dated 12.01.2017, convicted the appellant for the offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. and sentenced them as mentioned in opening paragraph of this order.

4. The appellant was in jail from 05.02.2016 to 27.06.2018 (around 2 years 5 months and 22 days).
5. Learned counsel for the appellant would submit that the appellants are innocent person and have been falsely implicated in the aforesaid case and the mandatory provisions have not been followed by the prosecution. The judgment of the Trial Court is bad in law as well as on facts. The learned Trial Court ought not to have convicted and sentenced the appellants and ought to have given the benefit of doubt since the evidence submitted by the prosecution is very shaky and unbelievable. The Trial Court failed to appreciate the evidence and documents available on record.
6. Learned counsel for the appellants submits that he does not want to press this appeal on merits and confine his arguments to the sentence part thereof only. Further, he submits that the appellant has already undergone around 2 years 5 months and 22 days of the sentence awarded by the trial Court. There is also no previous criminal antecedents against the appellant. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
7. Learned Panel Laywer appearing for the respondent/State, submits that the Trial Court has rightly convicted and sentenced the appellants, in which no interference is called for.



8. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. From perusal of the records it transpires that On 04.02.2016, the SHO/Sub-Inspector L.S. Rajput of GRP Police Station, Raipur, received information that two persons were carrying marijuana at Platform No. 1 (Durg side) of **Raipur Railway Station**. After recording the information and summoning independent witnesses, the police reached the spot and found accused Kamalu Pangi with a backpack and an air bag. He was informed of his right to be searched before a Magistrate or Gazetted Officer and consented to search by the Investigating Officer. On search, 13 kilograms of marijuana were recovered from his bag. Two samples of 50 grams each were drawn and sealed. His ID card and train ticket were also seized. An FIR was registered, the accused was arrested, and the seized articles were deposited in the malkhana. The samples were sent to the FSL, which confirmed the substance to be marijuana. After investigation, the charge-sheet was filed on 26.03.2016.
10. After following the due processes, chargesheet was submitted before the learned Special Judge who convicted the appellant under Section 20(b)(ii)(B) of the NDPS Act, 1985. Considering the material available on record and the evidence adduced by the prosecution, I am of the view that the Trial Court did not commit any illegality or infirmity in the findings recorded by Trial Court as



regards conviction of the appellant under Section 20(b)(ii)(B) of the N.D.P.S.

11. Therefore, the essence of the above discussion is that the Investigating Officer in this case appears to have followed all the mandatory and directive provisions of the NDPS Act. There is no concrete reason to disbelieve the evidence of the Investigating Officer and other witnesses and the action taken by them. The accused did not produce any valid license or document in relation to the narcotic substance recovered from his possession. Therefore, it is proved that the appellant possessed 13 kg of ganja in violation of the provisions of the NDPS Act.
12. As regards the sentence awarded to the appellant. Considering the fact that the appellant is facing criminal trial since 2016, considering the age of the appellant at present and further considering the quantity of contraband seized from the possession of appellant i.e. 13 kg contraband(ganja), which is intermediate quantity and there is no previous criminal antecedents and further the appellant has remained in jail for 2 years 5 months and 22 days, therefore, this Court is of the opinion that in the interest of justice, the sentence imposed upon the appellant is reduced to the period already undergone by the appellant under Section 20(b)(ii)(B). However, fine imposed by trial Court is maintained.
13. With the aforesaid observations, the criminal appeal is **allowed in part**. The appellant is held guilty of committing offence under Section 20(b)(ii)(B) of NDPS Act and is convicted for the said offence.



However, the sentence is reduced to the period already undergone by him. The appellant is reported to be on bail. Surety and personal bond earlier furnished at the time of suspension of sentence shall remain operative for a period of six months in view of the provisions of Section 437-A Cr.P.C.

14. Let a copy of this order and the original records be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)

Judge

Madhurima