



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1647 of 2025

1 - Shankar Biswas S/o Sudhanshu Vishwas Aged About 37 Years R/o Nalgunti,
P.S. - M.V. -79 Malkangiri, Dist- Malkangiri (Odisha)

--- Appellant

Versus

1 - State Of Chhattisgarh Through The P.S.- Abhanpur, Dist Raipur Chhattisgarh.

--- Respondent

CRA No. 1653 of 2025

1 - Ajay Vishwas S/o Shri Amrit Vishwas Aged About 27 Years R/o Nalgunti,
Police Station- M.V. 79, Malkangiri, (Orissa)

2 - Suraj Gain @ Gaye S/o Madhu Gain Aged About 19 Years R/o Nalgunti,
Police Station- M.V. 79, Malkangiri, (Orissa)

---Appellants

Versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station-
Abhanpur, District Raipur, C.G.

--- Respondent

Order Sheet

08/09/2025	Mr. Syed Ishhadil Ali, Advocate for the Appellant in CRA No. 1647/2025. Mr. C.R. Sahu, Advocate for the Appellants in
------------	--

CRA No. 1653/2025.

Ms. Sunita Manikpuri, P.L. for the Respondent/State.

Heard on admission.

Appeals are admitted for hearing.

Also heard on I.A. No. 01/2025 which are separate applications for suspension of sentence and grant of bail to the appellant in both the appeals.

By the impugned judgment of conviction and order of sentence dated 04.08.2025 (Annexure A/1) passed by the learned Special Judge (NDPS), Raipur, District – Raipur (C.G.) in Special Criminal (NDPS Act) Case No. 219/2024, has convicted and sentenced the Appellant as under:-

Conviction	Sentence
U/s 20 (b) (ii) (B) of the NDPS Act, 1985	R.I. for 5 years and fine of Rs. 50,000/- in default R.I. for 06 months.
<i>(the above sentence is awarded for all the respective appellants)</i>	

Learned counsel for the respective appellants submits that the prosecution failed to prove seizure of contraband Ganja from the possession of appellants. In support of their contention, they referred to para 38 of the evidence of Soman Lal Sinha (PW-5), the Investigating Officer. They also submit that the Constable i.e. Damodar Prasad Sahu (PW – 6) has stated that the weight of Ganja which was kept in Malkhana was 12.900 Kg from which, it is appearing that the sample was not taken out from the contraband allegedly seized from the possession of the appellants.

On the other hand, learned State Counsel opposes the

Dey	applications for suspension of sentence and would submit that the Investigating Officer has very clearly stated that the car in which the appellants were traveling was intercepted and upon search, they have recovered contraband from possession of appellants. All the procedures as provided under the NDPS Act, 1985 has been done on spot, including weighing and sealing of seized contraband. She also referred to the evidence of Soman Lal Sinha (PW-5) and Damodar Prasad Sahu (PW – 6) in support of her contention and submitted that the witnesses have categorically stated that the contraband Ganja was seized and thereafter, sample has been obtained from the seized contraband. I have heard learned counsel for the respective parties. Taking into consideration the facts and circumstances of the case, submission of counsel for the respective parties, evidence of Soman Lal Sinha (PW-5) and Damodar Prasad Sahu (PW – 6), I do not find present to be fit cases to allow the application for suspension of sentence and grant of bail to the applicant. Accordingly, I.A. No. 01/2025 filed in CRA No. 1647/2025 and CRA No. 1653/2025 stands dismissed. List this case for final hearing. Sd/- (Parth Prateem Sahu) Judge
-----	---