



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1870 of 2024

Kuldeep Narayan Sikdar S/o Late Narayan Chand Sikdar Aged About 28 Years R/o Tikarkala, P.S. Gourela, District- Gourela Pendra Marwahi, C.G.

... Appellant(s)

versus

State Of Chhattisgarh Through Police Station Ganj, Raipur, District Raipur, C.G.

... Respondent(s)

(Cause title taken from the CIS)

15.09.2025	Shri Alok Kumar Dewangan, counsel for the appellant. Shri Sanjeev Kumar Pandey, Dy AG for the State. Heard on IA- 01 of 2024, application for suspension of sentence, and grant of bail. Being aggrieved by the impugned judgment of conviction and order of sentence dated 16.08.2024, passed by the learned Special Judge (NDPS Act), Raipur, District-Raipur CG in Special Criminal Case (NDPS Act)- 119 of 2024, appellant preferred this appeal.

Appellant has been convicted under Section 21(c) of the NDPS Act, and sentenced RI for 10 years with fine of Rs.1,00,000/-, with default stipulation.

Learned counsel for the appellant would submit that appellant is innocent, and has been falsely implicated in the offense. Seizure witnesses have not supported the prosecution case. Investigation done by the prosecution is tainted, and only on the basis of Police Department witnesses, conviction has been made, and there is complete violation of mandatory provisions of NDPS Act. As per the contents of alleged Cough syrup, quantity of contraband comes under small quantity but the learned trial Court has taken the entire quantity of the contraband seized, and considered it as the commercial quantity. Appellant is in jail since 27.02.2024, thereby remained in jail for one year and six months, and final adjudication of this appeal would take its own time, therefore, the appellant may be enlarged on bail.

On the other hand, learned counsel for the State opposes the bail application and would submit that appellant has been

found in possession of 25 bottles of Onerex, cough syrup, 100 ml each, which comes under the definition of commercial quantity. Search, and seizure from the appellant are duly been proved by the Police authorities, who conducted the investigation, and therefore, appellant is not entitled for bail.

Heard learned counsel for the parties, and perused the record of the trial Court.

Considering the submissions made by learned counsel for the parties, nature of allegation and the evidence available on record, also considering the quantity of alleged contraband (Onerex, cough syrup), seized from the appellant, this Court is not inclined to release the appellant on bail at this stage.

Accordingly, his bail application, IA-1 of 2024 stands dismissed at this stage.

List this case for final hearing after four weeks.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE