

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 1820 of 2018**

- Ghanshyam Manjhi S/o Chetan Manjhi, Aged About 26 Years, R/o Village- Maidalpur, Police Station- Papda, Handi, District- Navrnpur, Orrisa., Orissa

---- **Appellant****Versus**

- State Of Chhattisgarh Through Police Station- Citi Kotwali, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- **Respondent**

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13/02/2019	<p>Shri Akath Kumar Yadav, Advocate for the appellant. Shri Avinash K. Mishra , P.L. for the State/respondent. Heard on I.A.No.2, application for suspension of sentence and grant of bail to the appellant.</p> <p>The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 13-09-2017, passed in Special Criminal Case (NDPS Act) No.94/2017 by the Special Judge, Narcotic Drugs and Psychotropic Substances Act, 1985, Dhamtari, C.G. in the following manner:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Conviction</th> <th style="width: 50%;">Sentence</th> </tr> </thead> <tbody> <tr> <td>U/s 20(B)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985</td> <td>R.I. for 7 years and fine of Rs.50,000/-, in default of payment of fine, further R.I. for 01 year.</td> </tr> </tbody> </table> <p>It is submitted on behalf of the appellant that the appellant has been erroneously convicted and sentenced in the impugned judgment of the trial Court. No case is made out against the appellant. The independent witnesses of search and seizure were not examined before the trial Court and conviction of the appellant is based only on the evidence of I.O. Further, the appellant has undergone almost 2 years in jail. Therefore, it is prayed that the application may be allowed.</p> <p>Per contra, learned counsel for the State opposes the application submitting that the appellant is resident of other State, therefore, after</p>	Conviction	Sentence	U/s 20(B)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	R.I. for 7 years and fine of Rs.50,000/-, in default of payment of fine, further R.I. for 01 year.
Conviction	Sentence				
U/s 20(B)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985	R.I. for 7 years and fine of Rs.50,000/-, in default of payment of fine, further R.I. for 01 year.				



release on bail, he may not be available for appearance before the Court.

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

After perusing the evidence present in the record of the trial Court, I feel inclined to allow this application.

Accordingly, the application for suspension of sentence and grant of bail is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **6th of August, 2019**. He 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 him by the said Court, till disposal of this appeal. Fine sentence imposed upon the appellant shall also remain suspended till disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge