

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No.1613 of 2019

1. Dilip Kumar S/o Gandharv Kumar Aged About 46 Years R/o Ward No. 10 Kumhari, Thana Kumhari, And District Durg, Chhattisgarh.
2. Vicky Tandi S/o Radhelal Tandi Aged About 25 Years R/o Ward No. 10 Kumhari, Thana Kumhari, And District Durg, Chhattisgarh.

---- Appellants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh.

---- Respondent

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19.11.2019	<p>Shri Vikash Pradhan, counsel for the appellants.</p> <p>Shri Ishwar Jaiswal, Panel Lawyer for the State/respondent.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Record of the Court below be requisitioned within five weeks.</p> <p>Also heard on IA No.01/2019 for suspension of sentence and grant of bail to the appellants.</p> <p>By the impugned judgment dated 24.10.2019 passed by Special Judge under the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'the Act 1985') Mahasamund (CG) in Special Criminal Case (NDPS Act) No.H-26/2018, the accused appellants stand convicted under Section 20(b)(ii)(B) of the Act, 1985 and sentenced them to undergo rigorous imprisonment for three years and to pay fine of Rs.10,000/- each with default stipulations.</p> <p>Learned counsel for the appellant submits that the appeal will take considerable time for its adjudication and the appellants are in jail since 02.8.2018, they may be enlarged on bail.</p> <p>On the other hand, learned counsel for the State opposes the bail application.</p>

I have heard learned counsel for the parties and perused the impugned judgment.

After perusing the impugned judgment and considering the facts and circumstances of the case, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellants on bail.

Accordingly, IA No.01/19 is allowed.

It is directed that execution of substantive jail sentences imposed on the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **18.02.2020** and thereafter they shall appear before the trial Court on a date to be given by the Registry on this behalf and shall continue to appear there on all such subsequent dates as are given to them by the said Court, till the disposal of the appeal.

List this case for final hearing in due course.

Sd/-

(Ram Prasanna Sharma)

Judge