



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 72 of 2019

Dhanarjay Pangi, S/o. Dusya Pangi, Aged About 23 Years, R/o. Village - Inguguda,
Post Office - Pularking, Police Station - Padwa, District - Koraput Odisha.

--- Appellant.

Versus

State Of Chhattisgarh, Through : The District - Magistrate, Raipur District - Raipur
Chhattisgarh.

---Respondent

3			
15/03/2019	Mrs. Mandvi Bhardwaj, counsel for the appellant. Mr. Samdarsh Nirankari, P.L. for the State. Heard on I.A. No.2/19, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction and order of sentence dated 29.05.2018, in Special Criminal Case the N.D.P.S. Act No. 319/2017, passed by the learned Special Judge (Constituted under the Narcotics Drugs and Psychotropic Substance Act, 1985), Raipur, District – Raipur (C.G.) in the following manner :- <table><tr><td>U/s. 20 (ii) (B) of N.D.P.S. Act.</td><td>: R.I. for 4 years and fine of Rs.20,000/- and in default of payment of fine amount, R.I. for six months more</td></tr></table> Learned counsel appearing for the appellant would submit that the appellant has been erroneously convicted by the trial Court without there being any support of prosecution witnesses. No case is made out against the appellant for his conviction. The appellant is in jail since more than one and half year out of the total sentence of imprisonment of four years imposed upon him. The independent witness of search and seizure have not supported the prosecution case and the conviction is based only on the evidence of police witnesses. The appellant is hopeful to succeed in this appeal and there is no likelihood of this appeal to be taken up for final hearing in near future. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he may be enlarged on bail.	U/s. 20 (ii) (B) of N.D.P.S. Act.	: R.I. for 4 years and fine of Rs.20,000/- and in default of payment of fine amount, R.I. for six months more
U/s. 20 (ii) (B) of N.D.P.S. Act.	: R.I. for 4 years and fine of Rs.20,000/- and in default of payment of fine amount, R.I. for six months more		



Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail. It is submitted that the independent witnesses have clearly made admission that they had affixed their signature in the various memo of search and seizure and further the investigation officer has clearly supported the prosecution case, therefore, the application be rejected.

I have heard the learned counsel for the parties and perused the record of the trial Court.

After perusing the evidence on record of the trial Court and further considering the fact that the appellant has undergone more than one and half years in jail and there is no likelihood of this appeal being heard finally in near future, hence for this reason, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellant on bail.

Accordingly, I.A. No.2/19, application for suspension of sentence and grant of bail is allowed.

Execution of substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **13th May, 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 the disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge