



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 11 of 2020

- Nemichand Dhruw, Aged about 27 years, S/o Chandrashekhar Dhruw, R/o Schoolpara Village Semra, P.S. Sihava, Tahsil Nagri, District Dhamtari (C.G.)

----- Appellant

versus

- State of Chhattisgarh, Through: P.S. City Kotwali Dhamtari, District Dhamtari (C.G.)

----- State/Respondent

23/02/2021	Shri Varun Sharma with Shri Aman Kesharwani, Advocates for the appellant. Shri Ajay Kumrani, Panel Lawyer for the State. Heard on I.A. No. 2 of 2020, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 06.01.2017 passed by the Special Judge (NDPS), Dhamtari (C.G.) in Special Criminal Case No. 43/2016, the appellant stands convicted and sentenced as under: <table data-bbox="368 1160 1343 1438"> <tr> <th data-bbox="368 1160 847 1227"><u>Conviction</u></th><th data-bbox="847 1160 1343 1227"><u>Sentences</u></th></tr> <tr> <td data-bbox="368 1227 847 1438">Under Section 20(B) (ii) (B) of NDPS Act</td><td data-bbox="847 1227 1343 1438">R.I. for seven years and fine of Rs.20,000/-, in default of payment of fine to further undergo R.I. for three months</td></tr> </table> Learned counsel for the appellant submit that the appellant is in jail since 30.07.2016, thereby he has completed more than half of the jail sentence and hearing of the appeal may take some time, therefore, the appellant may be released on bail. They further submit that co-accused namely Dharmendra Kumar Dhruv has been granted bail by the co-ordinate bench of this Court vide order dated 20.01.2021 passed in Cr.A. No. 377 of 2017. Learned State counsel do not dispute the fact that appellant has suffered more than half of the jail sentence. Considering the fact that the appellant has suffered more than half of the jail sentence, hearing of this appeal will take some time and the co-accused has already	<u>Conviction</u>	<u>Sentences</u>	Under Section 20(B) (ii) (B) of NDPS Act	R.I. for seven years and fine of Rs.20,000/-, in default of payment of fine to further undergo R.I. for three months
<u>Conviction</u>	<u>Sentences</u>				
Under Section 20(B) (ii) (B) of NDPS Act	R.I. for seven years and fine of Rs.20,000/-, in default of payment of fine to further undergo R.I. for three months				



been granted bail by the co-ordinate bench of this Court, therefore, I am inclined to release the appellant on bail.

Accordingly, I.A. No. 02/2020, application for suspension of sentence and grant of bail is allowed.

Execution of further 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 **06th April, 2021**. 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.

List this appeal for final hearing in its due course.

Certified copy as per rules.

Sd/-
(Gautam Chourdiya)
Judge