2026:CGHC:10402

2026:CGHC:10402

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 377 of 2017

1 - Dharmendra Kumar Dhruv S/o Faguram Dhruv, Aged About 23 Years R/o School Para, Village Semra, Police Station Sihava, Tahsil Nagri, District Dhamtari, Chhattisgarh., Chhattisgarh

--- **Appellant**

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Dhamtari, District Dhamtari, Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

CRA No. 11 of 2020

1 - Nemi Chand Dhruw S/o Chandrashekhar Dhruw Aged About 27 Years R/o Schoolpara, Village Semra, Police Station Sihava, Tahsil Nagari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---Appellant

Versus

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

. Respondent/State

For Respective Appellants : Mr. Anil Gulati, Advocate and Mr. Varun Sharma, Advocate appears through legal Aid.

For State : Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Arvind Kumar Verma

Judgement on Board

27.02.2026

1. As both these appeals arise out of the impugned judgment of conviction and order of sentence dated 06.01.2017 passed by learned

2026:CGHC:10402

Special Judge (NDPS Act) Dhamtari, in Special Criminal Case No. 43/2016, they are heard analogously and being disposed of by this common judgment. The trial court has convicted and sentenced the appellants as under :-

Conviction	**Sentence**
U/S 20 (b) (ii) (B)of NDPS Act	R.I for 07 years each with fine amount of Rs. 20,000/- each, in default of payment of fine, to undergo further R.I. for 03 months each.

2. As per case of the prosecution, on 30.07.2016, the secret information received from the informant by the police that the a car bearing Registration No. C.G.-04-LE-9444 was going from Sihava to Dhamtari and in the car the alleged contraband was transported. Upon receiving of this secret information, he recorded the secret information and prepared Mukhbir Suchna Panchnama in presence of the witnesses. He also informed about this information to the higher officials, thereafter he reached the spot along with the witness. In compliance of Section 50 of the NDPS Act he gave notice to the appellants and obtained their consent for search and thereafter the police recovered from the accused total 9.600 kg of contraband article substance like ganja.. After completion of other formalities he returned to the police station along with the seized property in Malkhana. The samples of seized cannabis were sent to FSL for its chemical examination. After completion of due and necessary investigation, a charge-sheet was filed by the police.

3. To robe the appellant in the crime in question, prosecution has examined as many as 13 witnesses. In the statement of the appellants recorded under Section 313 Cr.P.C., the appellants pleaded their

2026:CGHC:10402

innocence and false implication in the case.

4. Learned Trial Court after hearing the counsel for the respective parties and considering the material available on record, has convicted and sentenced the accused/appellants as mentioned in inaugural para of this judgment.

5. Learned counsel for the appellants submits that they do not want to press this appeal on merits and confine his arguments to the sentence part thereof only. Further, they submit that the appellants at present are aged about 30 years and 31 years respectively and they are facing criminal trial since 2016 and have already undergone more than four years jail sentence awarded by the trial Court in NDPS Case No. 43/2016. There are also no previous criminal antecedents against the appellants. Therefore, the jail sentence awarded to the appellants may be reduced to the period already undergone by them.

6. *Ex adverso,* learned counsel for the respondent/State supporting the impugned judgment submits that learned Trial Court after minutely appreciating the oral and documentary evidence has rightly convicted and sentenced the appellants. So, there is no scope for interference by this Court. These appeals being without any merit are liable to be dismissed.

7. I have heard learned counsel for the parties and perused the material available on record including the impugned judgment.

8. From perusal of the records, it transpires that on 30.07.2016 Station House Officer received information that a car bearing Registration No. C.G.-04-LE-9444 was going from Sihava to Dhamtari and in the car the alleged contraband article ganja was transported by the appellants.

2026:CGHC:10402

After receiving the above said information the concerned officer along with his staff reached the spot where they seized 9.600 kg ganja from the appellants and thereafter a charge sheet has been filed against the present appellants. After following the due processes, charge-sheet was submitted before the learned Special Judge who convicted the appellant under Section 20 (b)(ii)(B) of the NDPS Act, 1985 and sentenced them to undergo Rigorous Imprisonment for 07 years and fine of Rs. 20,000/-. Considering the material available on record and the evidence adduced by the prosecution, I am of the view that the Trial Court did not commit any illegality or infirmity in the findings recorded by Trial Court as regards conviction of the appellants under Section 20 (b)(ii)(B) of the NDPS Act, 1985.

9. Therefore, the essence of the above discussion is that the Investigating Officer in this case appears to have followed all the mandatory and directive provisions of the NDPS Act. There is no concrete reason to disbelieve the evidence of the Investigating Officer and other witnesses and the action taken by them. The accused did not produce any valid license or document in relation to the narcotic substance recovered from their possession, therefore, it is proved that the appellants possessed 9.600 kg of ganja in violation of the provisions of the NDPS Act.

10. As regards the sentence, keeping in view the facts that incident took place in the year 2016 and nearly 10 years have rolled by since then. The appellants are now aged about 31 years and 33 years respectively and they are facing criminal trial since 2016 and out of 07 years of jail sentence, the appellants have already undergone more than four years' of jail sentence and they did not misuse the liberty so granted to

2026:CGHC:10402

them, while being on bail, however they have no criminal antecedents and they are facing the *lis* since 2016 i.e., for about more than 10 years and no useful purpose would be served in again sending them to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon them is reduced to the period already undergone by them.

11. *Ex consequenti*, the appeals are **partly allowed**. Conviction of the appellants under the aforementioned section is affirmed and they are sentenced to the period already undergone by them. However, the fine amount imposed by the Trial Court shall remain intact. The impugned judgment stands modified to the above extent. They be released forthwith if not required in any other case.

12. The appellants are reported to be on bail, therefore, their bail bond shall remain in operation for a period of six months from today in view of provision of Section 481 of BNSS, 2023.

13. The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Arvind Kumar Verma)

JUDGE

U.K. Raju