

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1886 of 2019

1. Kamlesh Kumar S/o Late Harischand, aged about 56 years, R/o Dahiyala, Tola, P.S. Town, District Chhapra Bihar.
2. Mantu Kumar Mishra S/o Ram Bhajan, aged about 28 years R/o Kahimishrawaliya, P.S. Jalalpur, District : Saran, Bihar
3. Shashibhushan Shukla S/o Bachcha Shukla, aged about 38 years, R/o Sirsa Jalapur, Post Sounouli, P.S. Masrakh, District Chhapra, District : Saran, Bihar
4. Arun Kumar Yadav S/o Chandreep Yadav, aged about 22 years, R/o Manpur Jalalpur, P.S. Jalalpur, District Chapra, Bihar.

---- Appellants

Versus

State of Chhattisgarh through Police Station Keshkal, District : Kondagaon, Chhattisgarh

---- Respondent

15.10.2020	Mr. Rajesh Kumar Jain, Counsel for the Appellants. Mr. Alok Nigam, G.A. for the State/Respondent. The matter is heard through Video Conferencing. Heard on admission. Admit. Also heard on I.A. No. 01/2020, an application for suspension of sentence and grant of bail to the Appellants.

By the impugned judgment date 02.12.2019 passed in Special Criminal Case (N.D.P.S Act) No.23/2017 by the learned Special Judge (N.D.P.S), Kondagaon, District: Kondagaon (C.G.) the Appellants stands convicted as mentioned below:

Conviction	Sentence	In Default
U/s 20 (B) (II-C) of NDPS Act, 1985	RI for 10 years and fine amount of Rs.1,00,000/-	In default of payment of fine amount additional RI for 01 year.

Learned counsel for the Appellant submits that the Appellant has been wrongly convicted by the Trial Court in the judgment without there being any evidence available on record. He also submits that mandatory provisions of Section 42 & 57 of the NDPS Act have not been duly complied with. He further submits that there are material contradictions and from the statement of I.O., he has not supported the case of prosecution and turned hostile. He lastly submits that the Appellants are in jail since 26.06.2017, there are no previous antecedents against the present Appellants. Hence, it is prayed that their application be allowed.

On the other hand, Learned counsel for the State has opposed the bail application and submissions made in this

respect.

Heard both the parties.

After perusing the impugned judgment and considering this fact that the Appellants are in jail since 26.06.2017, for these reasons, I am of this opinion that it will be proper to release the Appellants on bail during the pendency of this appeal.

Execution of substantive jail sentences imposed upon the Appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them executing a personal bond for a sum of Rs.6,00,000/- with two local solvent sureties each of Rs.3,00,000/- for the like sum to the satisfaction of the Trial Court for their appearance before the Registry of this Court on **20.04.2021**. 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 them by the said Court, till the disposal of this appeal.

List this case for final hearing in due course.

Sd/-

(Arvind Singh Chandel)
Judge