

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.67 of 2025

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Chhakan Lal Munda @ Chhagan Lal MundaAppellant
Versus
The State of JharkhandRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Ms. Ritu Raj, Advocate
Mr. Rohit Agarwal, Advocate
Mr. Arvind Kr. Choudhary, Advocate
For the State : Mr. Sudhir Kr. Mahato, APP

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Order No.03/08.05.2025

I.A. No.5733 of 2025

This Criminal Appeal (SJ) has been filed on behalf of the appellant by challenging the judgment of conviction dated 06.01.2025 and order of sentence dated 08.01.2025 passed in N.D.P.S. Case No.08 of 2022 arising out of Kuchai P.S. Case No. 27 of 2020 by Mr. Choudhary Ahsan Moiz, learned Additional Sessions Judge-I-cum Special Judge (NDPS), Seraikella-Kharsawan by which the appellant has been convicted for the offence under Section 15-(b) of N.D.P.S. Act and under Section 47-(a) of the Excise Act and sentenced to undergo R.I. for five (05) years and R.I. for three (03) years and to pay fine of Rs.50,000/- and Rs.5,000/- respectively.

However, both the sentences have been directed to run concurrently.

2. I.A. No.5733 of 2025 has been filed on behalf of the appellant for suspension of sentence and release of appellant on bail during pendency of this appeal.

3. Learned counsel for the appellant submitted that the impugned judgment and order of sentence passed by the learned

Courts below are illegal, arbitrary and not sustainable in eye of law. It is submitted that the appellant is named only on the basis of identification by one Chowkidar by the Informant namely Prakash Kumar Rajak in this case. However, the said Chowkidar has not been examined during trial before the learned Court below and even the name of the said Chowkidar has not been disclosed by the Informant. It is submitted that there is an allegations of recovery of 49 kg of Doda which has also not properly been proved. It is submitted that the appellant was in judicial custody from 05.02.2022 till 30.09.2024 i.e. for more than two years and seven months, thereafter the appellant is in judicial custody from 06.01.2025. It is submitted that the appellant remained in custody for around three (03) years out of R.I. five (05) years and hence he may be enlarged on bail.

4. On the other hand, learned APP has opposed the prayer for bail and submitted that this is a case of recovery of 49 kg of Doda near the house of appellant and which has been identified by Chowkidar and hence the prayer for bail may be rejected.

5. Having heard learned counsel for both the sides and from perusal of the records of this case, it appears that the appellant has been named only on the basis of village chowkidar.

6. It appears that PW-3 Prakash Kumar Rajak i.e. the Informant has not disclosed the name of the Chowkidar neither in the FIR nor during course of the evidence.

7. It also appears that the witnesses are only the police personnels.

8. It also appears for appellant has remained in custody for around three (03) years.

9. Considering the facts and in the circumstances of this case and

also considering the custody of the appellant, the appellant namely Chhakan Lal Munda @ Chhagan Lal Munda is directed to be released on bail, on furnishing bail bonds of Rs.20,000/- (Rs.Twenty Thousand) with two sureties of the like amount each, to the satisfaction Mr. Choudhary Ahsan Moiz, learned Additional Sessions Judge cum Special Judge (NDPS), Seraikella-Kharsawan or his Successor Court in connection with N.D.P.S. Case No.08 of 2022 arising out of Kuchai P.S. Case No. 27 of 2020 subject to the condition that one of the bailor must be the own relative of the appellant and the appellant shall file undertaking at the time of furnishing the bail bond that he will not indulge in such type of activity in future before the learned Court below, failing which the prosecution will be at liberty to cancel the bail.

10. I.A. No.5733 of 2025 is allowed and stands disposed of.

11. Let a copy of this order be sent to the Superintended of Police, Saraikela Kharsawan.

(Sanjay Prasad, J.)

Nishant/-