

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 667 of 2025

Aklu Ganjhu		Appellant
Versus		
The State of Jharkhand		Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. Vikram Singh, Advocate
For the State	: Mr. Bhola Nath Ojha, APP

ORAL ORDER IN COURT

05/Dated: 24th November, 2025

I.A. No.13819 of 2025

This Criminal Appeal has been filed on behalf of the appellant namely, Aklu Ganjhu challenging the judgment of conviction dated 23.01.2025 and Sentence dated 30.01.2025 passed by Shri Shambhu Lal Shaw, learned Sessions Judge-cum-Special Judge, NDPS, Act, Chatra in N.D.P.S Case No.63 of 2018, arising out of Kunda P.S. Case No.14 of 2018 by which the appellant has been convicted for the offence under Section 18 of N.D.P.S Act and Section 33 of the Indian Forest Act and sentenced to undergo R.I. for five (05) years and R.I. for one (01) years respectively and also to pay the fine of Rs.20,000/- (Rs.Twenty Thousand) and Rs.1,000/ (Rs One Thousand) respectively.

Although the other co-convict Amirak Ganjhu was sentenced to undergo R.I. for seven (07) years and R.I. for R.I. for one (01) year respectively and to pay the fine of Rs.50,000/- (Rs.Fifty Thousand) and Rs.1,000/- (Rs.One Thousand) respectively.

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

2. I.A. No.13819 of 2025 has been filed on behalf of the appellant for suspension of sentence and for grant of bail to the appellant, during pendency of the present Criminal Appeal.

3. Heard Mr. Vikram Singh, learned counsel for the appellant and learned APP for the State.

4. Learned counsel for the appellant submitted that the impugned judgment and sentence passed by the learned Court below is illegal, arbitrary and not sustainable in the eye of law. It is submitted that the allegations against the appellant are false and concocted. It is submitted that nothing has been recovered from the possession of appellant rather the recovery has been made from the possession of co-convict Amirak Ganjhu who is said to have possessed approx 1.050 k.g liquid '*Opium*' which is a intermediary quantity.

5. It is further submitted that there is delay of more than three months in sending the seized '*Opium*' to the FSL as the seizure was made on 08.03.2018 and the same was said to have sent vide letter dated 14.03.2018. However, the letter of Director, FSL shows that it was received on 18.06.2018 and thus there is delay of more than three months in sending the seized articles to the FSL which creates doubt over the prosecution case.

6. It is submitted that the appellant was not given opportunity to examine himself before any Gazetted Officer and which is complete violation of section 50 of the N.D.P.S Act.

7. It is further submitted that the weighment is neither shown in the FIR nor in the evidence of the witnesses as to where this weighment was done and the recovery of approx

1.050 k.g liquid '*Opium*' is also doubtful. It is submitted that the appellant was in custody around eight (08) months during trial and after that he is in custody since 23.01.2025 (i.e. more than 10 months) and thus he remained in custody for one and half years and hence, the appellant may be enlarged on bail.

8. On the other hand, learned APP has opposed the prayer for bail. It is submitted that the appellant was caught with co-convict Amirak Ganjhu while fleeing away from the forest. The appellant and other co-accused persons were involved in doing agriculture of opium and they had planted Opium in three Acres of the land which was destroyed by the forest personnels. It is submitted that the informant-P.W-4 namely Baleshwar Ram has fully supported his case whereas P.W-1, P.W-2 and P.W-3 namely, Subodh Kumar Soni, Mukesh Kumar and Kapildeo Kumar Mehta are also the eye witness and they have also supported the prosecution case regarding recovery of 1.050 k.g '*Opium*' from the co-convict-Amirak Ganjhu and this appellant also.

9. It is submitted that the appellant was aware of carrying '*Opium*' by the co-convict-Amirak Ganjhu. It is submitted that P.W-6 is the I.O of this case and he has also supported and corroborated the prosecution case. Though learned counsel for the State has submitted that there is no mention of weighment machine and for weighment of seized article before any person and for giving opportunity of to be searched before any Gazetted Officer. However, it is submitted that the appellant is involved in heinous offence and hence the prayer for bail of the appellant may be rejected.

10. Having heard learned counsel for the parties and from going through the records, it appears that informant and the

police officials had intercepted the appellant and one Amirak Ganjhu i.e. co-convict for being indulged in agriculture of 'Posta.'

11. It appears that 1.050 k.g liquid '*Opium*' was recovered from the steel cane of one co-convict Amirak Ganjhu and ten (10) plants were seized for reference whereas remaining plants were destroyed by the informant and other forest personnels.

12. It appears that P.W-1, P.W-2 and P.W-3 and P.W-4 namely, Subodh Kumar Soni, Mukesh Kumar, Kapildeo Kumar Mehta and Baleshwar Ram have stated that Amirak Ganjhu was arrested on spot with steel cane having liquit 1.050 k.g '*Opium*'.

13. From perusal of Trial Court Records, it appears that the seized article was seized on 08.03.2018 but it was received in the office of Director, SFSL, Ranchi on 18.06.2018 which reveals from the letter dated 29.08.2018 sent by Director, SFSL, Ranchi to the learned Sessions Judge, Chatra by which he has specifically stated that one parcel through special messenger, Digwar Pappu Kumar Singh was received in his office on 18.06.2018 in connection with Kunda P.S. Case No.14/2018 dated 08.03.2018 sent vide Memo No.162 dated 14.03.2018.

Therefore, it is clear that the seized Opium was received in the office of FSL on 18.06.2018 though the same was allegedly send on 14.03.2018 i.e. after delay of more than three months.

14. It further appears from the evidence of all the prosecution witnesses that there is no mention of weighing the seized articles in any shop or in any place and name of no

person has been mentioned regarding weighment of said seized opium.

15. It also appears from the evidence of the prosecution witnesses that the appellant was not given any opportunity to be searched in presence of any Gazetted Officer.

16. In view of the above, this Court is inclined to suspend the sentence of the appellant.

17. Accordingly, the appellant namely, Aklu Ganjhu, is directed to be released on bail, on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand only) with two sureties of the like amount, to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS, Act, Chatra in N.D.P.S Case No.63 of 2018, arising out of Kunda P.S. Case No.14 of 2018, subject to the condition that one of the bailors must be the own relative of the appellant and also subject to the Undertaking on behalf of the appellant before the learned Court below that the appellant shall not indulge in such type of crime in future again, failing which, the prosecution will be at liberty to take steps for cancellation of his bail.

18. Thus, I.A. No.13819 of 2025 is allowed and stands disposed of.

19. Let a copy of this order be sent to the Superintendent of Police, Chatra for the needful.

(Sanjay Prasad, J.)

Dated: 24.11.2025
Saket/-