

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1767 of 2018**

The State of Chhattisgarh, Through District Magistrate, District- Durg
(C.G.)

---- Petitioner**Versus**

Sheikh Hamid Khan, S/o Sheikh Kallu Khan, Aged About 44 Years,
R/o Village Sirsa, Ward No. 10, Chowki- Jevra Sirsa, P. S. Pulgaon,
District- Durg (C.G.)

---- Respondent

For State/ Petitioner : Mr. Vivek Sharma, G.A.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****30/10/2018**

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 07.05.2018 passed by Special Judge (NDPS), Durg (C.G.) in NDPS Case No. 06/2017, wherein the said court acquitted the respondent for commission of offence under Section 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985.
3. The respondent was charge-sheeted for having illegal possession of contraband article ganja on 27.01.2017 at about 19.:30 at village- Sirsa Khurd to the tune of 1 kg. & 100 gram.
4. Sub-Inspector- Manish Shende (PW-10) is a person who seized the said article. As per version of this witness, article was found near house of the respondent. From statement of this witness, it is established that the said article was found

outside of house of the respondent and it was not found within four corners of the house. When article was not found in physical possession of the appellant or within four corners of his house, the trial court after evaluating the entire evidence, came to conclusion that the possession of contraband article ganja by respondent is not established.

5. After reassessing the entire record, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
6. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge