

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 688 of 2006**

- Krishnapad S/o. Sannath Mandal, aged about 30 Years, R/o M.V. 122, Police Station-Balimela, District-Malkangiri, Orissa.

---- Appellant

**Versus**

- State of Chhattisgarh through Police Station Darbha, District-Bastar, Chhattisgarh.

---- Respondent

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For the Appellant : Mr. Praveen Dhurandhar, Advocate.

For the State/Respondent : Mr. Arun Shukla, Govt. Advocate.  
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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Judgment on board**

**30/01/2019**

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 26.08.2006, passed by the Special Judge(N.D.P.S.Act), Bastar at Jagdalpur, Chhattisgarh, in Special Case No.32/2005, convicting the accused/appellant under Section 20(b)(ii)(c) of Narcotic Drugs Psychotropic Substances Act, 1985, and sentencing him to undergo RI for 10 years with fine of Rs.1,00,000/- in default of payment of fine to undergo additional RI for 3 years.
2. The prosecution case, in brief, is this that on 29.6.2005 at about 21 hours(in the night) the police personnel of Police-Station-Darbha,

District-Bastar, stopped a Maruti Car bearing Registration No.M.P. 09H/8604 and made a search following the procedure as prescribed under the provisions of NDPS Act, and on this search, 34 plastic packets were found being transported in the car which had contents of ganja. The same was tested and identified on the spot as ganja, the narcotic substance. On weighing the same, the total quantity of ganja was found 210.8 kg. After preparing the samples, all the articles were sealed and seized vide ExP-14. On the basis of this proceeding, FIR ExP-27 was lodged in the police-station and the appellant was arrested on the spot along with the co-accused person. The FSL has also confirmed that the seized article was ganja, the narcotic substance.

3. On completion of investigation, the charge sheet has been filed before the concerned Court against this appellant and the co-accused being a juvenile was proceeded against before the Juvenile Court. Charges under Sections 20(b)(ii)(c) of Narcotic Drugs Psychotropic Substances Act was framed against the appellant, he denied the same and sought for trial. In order to prove the charge the prosecution had examined as many as 5 witnesses. Statement of appellant was recorded under Section 313 of CrPC in which he denied all the incriminating evidence appearing against him, pleaded innocence and false implication. No witness was examined by appellant in his defence. On conclusion of trial the appellant stands convicted and sentenced as aforesaid in the impugned judgment.
4. It is submitted by counsel for the appellant that as per report received

from the concerned jail authority, the appellant has already been released from jail after serving out the entire substantive sentence imposed upon him by the trial Court. Even then, it is submitted that the appellant has been falsely implicated in the present case and has been convicted & sentenced by the trial Court without there being any evidence to sustain the conviction & sentence, hence, only to restore the prestige of appellant the appeal be allowed.

5. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellant. It is submitted that prosecution has proved its case beyond doubt. The judgment impugned passed by the trial Court is strictly in accordance with law and needs no interference by this Court in exercise of its appellate jurisdiction. Hence, the appeal is liable to be dismissed.
6. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
7. The question that requires determination in this appeal is as to whether the prosecution has been able to establish guilt of accused/ appellant, on the basis of evidence beyond reasonable doubt ?
8. After perusing and closely scrutinizing the entire evidence available on record, it is apparent that the trial Court elaborately considered the evidence of each individual material witness in detail and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that the appellant

is guilty for the offence punishable under Section 20(b)(ii)(c) of Narocotic Drugs Psychotropic Substances Act. Hence, this appeal has no substance, the same is liable to be dismissed and is hereby dismissed.

9. Since the appellant has already served the period of rigorous imprisonment to which he was sentenced, no further direction regarding his surrender etc. is needed.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge

**Nisha**