

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 662 of 2002**

Nepal Nag S/o Maniratan, aged about 20 years, Labourer, R/o Bhoolbhanta, P.S. Dabugaon, District- Navrangpur, Orrisa, At present: Near Dam, Village: Dalli Rajhara, District: Durg (C.G.)

---- Appellant**Versus**

State of Chhattisgarh through Police Station: Narayanpur, District: Jagdalpur (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Ms. Seema Dixit, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

15/01/2020

1. By the impugned judgment dated 01.03.2002 passed in Special Case No. 62/2001 by the Special Judge (NDPS Act) Bastar, District-Jagdalpur (C.G.) the Appellant has been convicted under Section 20 (b) (i) of the N.D.P.S Act and sentenced to undergo RI for 02 years with a fine of Rs.3,000/- with default stipulation.
2. According to the case of prosecution, on 03.12.2001, ASI Vinod Kumar (PW-04) received a secret information that the present Appellant was carrying *Ganja* in a plastic bag and going towards Dallirajhara, thereafter he called the independent witness. After completion of other formalities he reached the spot with the witness and caught hold the Appellant. He searched the Appellant and on being searched, total 5.50 Kg of contraband *Ganja* was found from the possession of

present Appellant which was seized. Two sample packets each containing 225 grams of contraband Ganja was prepared, sample packets and seized contraband Ganja were deposited in the Malkhana of the Police Station. One of the sample packets was sent to the FSL for chemical examination which was examined by the FSL, the report of the FSL was positive and after completion of investigation, charge sheet was filed and Trial Court framed the charges to robe the Appellant. Prosecution examined as many as total 12 witnesses. Statements of the Appellant under Section 313 were also recorded, wherein he has pleaded his innocence and false implication in the matter. No defence witness has been examined and after completion of Trial, the Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.

3. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Jagdalpur, District-Bastar (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 02.06.2004.
4. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
5. I have heard Learned Counsel appearing for the State and perused the record.
6. In his Court statement PW-04 Vinod Kumar Singh, A.S.I deposed according to the case of prosecution, he supported the entire case, his statements were duly corroborated by independent witnesses. The statements of PW-01 Rajendra Kumar and PW-02 Motilal were also corroborated by Head Constable Shekhar Lal (PW-03). From the

statement of Subhash Pawar, Head Constable (PW-05), it is also established that he deposited the seized contraband as well as sample packets at Malkhana of Police Station and relevant entries were also made by him in the Register. Witnesses remained firm during their cross-examination, thus, from the entire material evidence available on record, the case of the prosecution is duly proved, therefore, Trial Court has rightly convicted and sentenced to him.

7. Consequently, I do not find any merit in this appeal. Accordingly, the same is dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**