

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1408 of 2015

Bihari Kol S/o Durjan Kol, aged about 50 years, R/o Village Padkhudi,
Police Station- Vijayraghavgarh, District- Katni Madhya Pradesh.

---- Appellant

Versus

State Of Chhattisgarh through Incharge, Arakshi Kendra, G.R.P.
Bilaspur, District- Bilaspur Chhattisgarh

---- Respondent

For Appellant	:	None.
For State/Respondent	:	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

20.07.2020

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 06.10.2015 passed in Special Criminal Case No.312/2014 by the learned Special Judge (N.D.P.S Act), Bilaspur (C.G.) wherein, the Appellant has been convicted under Section 20 (b) (ii) (B) of Narcotic Drugs Psychotropic Substances Act and sentenced to undergo R.I. for 02 years and to pay fine of Rs.20,000/- with default stipulation.
3. According to the case of prosecution, on 07.08.2014, K.D. Prabhakar, Inspector, G.R.P, Bilaspur (PW-07) received an information that the Appellant is in possession of some illicit *Ganja*. He recorded the above information in Rojnamcha Sanha and

prepared Mukhbir Suchna Panchnama in presence of the witness. He also informed about this information to the higher officials, thereafter he reached the spot along with the witness. In compliance of Section 50 of the N.D.P.S. Act he gave notice to the Appellant and obtained his consent for search. On being searched, total 06 Kg of contraband *Ganja* was found from the possession of the Appellant. He seized the above contraband ganja and prepared four sample packets of 50 grams each and after completion of other formalities he returned to the police station along with the seized property and the Appellant, then he recorded the FIR and deposited the seized property in Malkhana thereafter, two sample packets were sent for examination to the FSL, from where the report confirmed that the property was contraband Ganja. After completion of investigation, charge-sheet was filed by the police. To robe the Appellant in the crime-in-question prosecution examined as many as total 08 witnesses. In the statement of Appellant recorded under Section 313 of Cr.P.C, Appellant pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence this appeal.

4. It is reported vide P.U.D dated 19.06.2020 received from Jail Superintendent, Central Jail, Bilaspur (C.G.) wherein, it has been reported that the Appellant has been released from jail on 07.02.2017 after completion of his jail sentence imposed upon him by the learned Trial Court.

5. Since, no one appears on behalf of the Appellant, therefore, to find out correctness of the judgment, I am going to decide this appeal on its merits.
6. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
7. I have heard learned counsel appearing on behalf of the state and perused the record minutely.
8. K.D. Prabhakar, Inspector, (PW-07), investigating officer of the case has deposed according to the entire case of the prosecution. His statements were duly corroborated by Roop Kishore Sen, Head Constable (PW-01). Shiv Narayan Sahu, Constable (PW-03) had remained firm during his cross examination. Other mandatory provisions of the NDPS Act have been duly complied with.
9. On minute examination of above evidence and considering the entire evidence available on record, in my considered opinion, the learned Trial Court has rightly convicted the Appellant. Consequently, I do not find any merit in this appeal.
10. Accordingly, the Appeal is dismissed.
11. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge