

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 2559 of 2000

Biharilal son of Sukhiram, aged about 45 years, resident of Village Baradwar, Kora, Bilaspur, Distt. Bilaspur

---- Appellant

Versus

State of M.P. through P.S.H. Officer Nagarnar, P.S.H. Nagarnar, Distt, Jagdalpur.

---- Respondent

For Appellant	: None.
For Respondent/State	: Mr. H. S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07.06.2021

1. This appeal has been preferred against the impugned judgment dated 19.09.2000 passed by learned Additional Sessions Judge (Special Court) Jagdalpur, in Special Case No.21/2000 punishable under Section 20(B) read with Section 8 of N.D.P.S. Act, wherein the appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
Under Section 20(B) read with Section 8 of N.D.P.S. Act.	2 years of R.I. with a fine amount of Rs.2000/- failing to deposit which 6 months R.I. more.

2. According to the case of prosecution on 09.04.2000 a secret information has been received by Mr. G. N. Singh, S. H. O. of Police Station Nagarnar from the informant that two persons coming from Maganpur Road and were carrying contraband article (Ganja). He

recorded the above information in Rojnamcha Sanha and prepared Mukhbir Suchna Panchnama in presence of the witnesses. He also informed about this information to the higher officials, thereafter he reached the spot along with the witnesses. 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 6.700 of contraband *Ganja* was found from his possession. He seized the above contraband *Ganja* and prepared two sample packets of 30 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, sample packets were sent for examination to the FSL. After completion of investigation, charge-sheet was filed by the police. To robe the Appellant in the crime-in-question prosecution has examined as many as total 05 witnesses. In the statement of the Appellant recorded under Section 313 of Cr.P.C, he has pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant.

3. After completion of trial, Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur, Surguja (C.G.) dated 06.04.2021 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 09.04.2002.
5. Since no one appears for the Appellant today, I decide this appeal on

merits.

6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. In the Court statement of Sub-Inspector G.N. Singh (PW-4), he deposed according to the case of prosecution and other witnesses have duly corroborated the statement of G.N. Singh (PW-4). They remain firmed during their cross-examination. There is nothing on record on the basis of which their statements can be disbelieved. Mandatory provisions of NDPS Act have also been complied with.
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the Appellant. Looking to the entire evidence adduced by the prosecution, in my considered view, the Trial Court has rightly convicted the Appellant.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge