

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 881 of 2011**

Jitendra Kumar Sahu S/o Baladram Sahu, aged about 20 years,
Occupation: Labour, R/o Village: Singhola, P.S: Lalbagh, District:
Rajnandgaon (C.G.)

---- Appellant

Versus

State of Chhattisgarh Through the P.S. City Kotwali, Dhamtari, Distt.-
Dhamtari, (C.G.)

---- Respondent

For Appellant	:	None.
For State/Respondent	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

06.01.2021

1. This appeal has been preferred against the judgment dated 09.05.2011 passed in Special Criminal Case No. 06 of 2010 by the learned Special Judge (N.D.P.S), Dhamtari, (C.G.) wherein, the Appellant has been convicted under Section 20 (ii) (b) of NDPS Act and sentenced to undergo R.I. for 05 years and to pay fine of Rs.10,000/- in default of payment of fine amount additional RI for 01 year.
2. According to the case of prosecution, on 28.07.2010, at around 03:00 P.M., Shri C.L. Sahu, Assistant Sub-Inspector, received an information from informant that one person was in possession of some contraband *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 NDPS Act he gave

notice to the Appellant and obtained his consent for search. On being searched, total 04 Kg of contraband Ganja was found from the possession of the Appellant. He seized the above contraband *Ganja*, prepared sample packets 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 the 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.

3. It is reported vide jail report that the Appellant has been released from jail on 27.07.2015 after completion of his entire jail sentence imposed upon him by the concerned Trial Court.
4. 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.
5. On the contrary, learned State Counsel opposed the prayer and supported the impugned judgment.
6. I have heard learned counsel appearing on behalf of the State and perused the record minutely.

7. After perusal of statement of seizure witnesses, though they have not supported the case of prosecution but Investigating Officer, C.L. Sahu (PW-06), stated according to the case of prosecution. His statements were duly corroborated by Dikesh Sinha (PW-03), Prakash Nag (PW-04) & Murli Sahu (PW-08). Mandatory provisions of the NDPS Act have been also duly complied with.
8. On minute examination of above evidence and looking to 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.
9. Accordingly, the Appeal is dismissed.
10. 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