

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 264 of 2021**

1. Tinku Nagar @ Dharmendra, S/o- Shri Munshi Lal Nagar, Aged about- 25 years, R/o- Village Tapaki Nagariya Gadhiya Chauraha Karhela, Thana- Karhela, District- Mainpur (U.P.)
2. Saroj Kumar Nagar, S/o Janaklal Nagar, Aged about- 32 years, R/o- Village Charauli Near Bridge Oriya District (U.P.)
3. Prabal Pratap Singh, S/o Patiram, Aged about- 40 years, R/o- Mandrawai, Thana- Karhela, District- Mainpur (U.P.)

---- Appellants**Versus**

1. State of Chhattisgarh, Through-PS Pharsgaon, District- Kondagaon (C.G.).

---- Respondent

For Appellants : Ms. Naushina Ali & Mr. Ajay Kumrani,
Advocates.
For Respondent/State : Mr. Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Judgment On Board****22/10/2021**

- 1) This appeal is filed under Section 374(2) of Code of Criminal Procedure, 1973 against the judgment of conviction and order of sentence dated 20.01.2021 passed by Special Judge (NDPS Act) Kondagaon, District- Kondagaon (C.G.) in Special Criminal Case (NDPS Act) No. 22/2020; whereby the appellants stand convicted and sentenced as under:-

Conviction	Sentence
U/s. 20b (ii-B) of NDPS Act	R.I. for 1 year and fine of Rs. 25,000/-, in default of fine additional R.I. for 3 months.

- 2) As per the prosecution case, on 17.09.2020 acting on the secret information that some persons are illegally carrying contraband

ganja in vehicle i10 bearing registration no. UP 80 BR-8599 and are going from Kondagaon to Raipur, the police party alongwith independent witnesses Bhupendra and Monu Singh proceeded for the place of occurrence, intercepted the said vehicle, in which the appellants were sitting and after making them aware of their legal right regarding search and seizure, seized 28 packets from dicky of the vehicle. After examination of the said packet the same were found containing contraband ganja. On weighment being done it was found to be 17.400 kg. After completing the formalities of investigation, charge-sheet was filed against the accused/applicants under Section 20 b (ii B) of NDPS Act.

- 3) On 20.01.2021, charge under Section 20 b (ii-B) of NDPS Act was framed by the trial Court against the appellants which was admitted by them. Hence, trial Court in view of admission of guilt of the appellants which was voluntarily and perusal of the documents produced by the prosecution, convicted and sentenced them as mentioned in para 1 of this judgment.
- 4) Learned counsel for the appellants submits that the appellants have already completed their jail sentence, they have been released from jail on 17.09.2021 after completing the entire jail sentence and paying the fine amount imposed upon them by the trial Court. As such, as per the instruction, they are not pressing this appeal on merit.
- 5) On the other hand, learned State counsel supports the impugned judgment.
- 6) Heard learned counsel for the parties and perused the material available on record.
- 7) Though counsel for the appellants is not pressing the appeal on merits and the appellants having completed the jail sentence and deposited fine amount, have been released from the jail, even then the Court has to see whether the conviction of the appellants recorded by the trial Court is based on the evidence/material available on record.

- 8) From perusal of the documents on record it is clear that the appellants were found illegally carrying contraband ganja weighing 17.400 kg in their vehicle on the date of incident which was seized from their joint possession. As per order dated 20.01.2021, upon charge under Section 20 b (ii-B) of NDPS Act being framed by the trial Court, the appellants admitted their guilt voluntarily. There is nothing to show that said admission by the appellants was under coercion or threat. As per the report from the Central Jail, the appellants have already completed their jail sentence and deposited the fine amount and have been released from jail on 17.09.2021.
- 9) On the basis of aforesaid discussion, this Court finds no substance in the present appeal.
- 10) The appeal is accordingly dismissed.

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**-Sd/-
(Gautam Chourdiya)
Judge**