

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 318 of 2001**

- Shyamlal Manjhi S/o Gountu Manjhi aged about 27 years, R/o Village Dongaripali, P.S. Chhura, District-Raipur, Chhattisgarh.

---- Appellant**Versus**

- State of Chhattisgarh, Through : Police Station - Chhura, District-Raipur, Chhattisgarh.

---- Respondent

For Appellant	: Ms. Iturani Mukharjee, Adv.
For Respondent/State	: Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/09/2021**

1. The present appeal arises out of the impugned judgment of conviction and order of sentence dated 30.01.2001 passed by the Special Judge, N.D.P.S., Raipur, (C.G.) in Special Criminal Case. No. 20/2000 whereby, the learned Special Judge, Raipur convicted the appellant and sentenced him as under :-

Conviction	Sentence
U/s 20(B)(1) r/w Section 8 of N.D.P.S. Act	R.I. for 2 years and fine of Rs. 2000/- in default of fine additional R.I. for 2 months.

2. Brief facts of the case are that on 15.04.2000 at about 2 O'clock in the night station in-charge of the station Chhura, Prem Sahu got information through an informer that Shyamlal is bringing hemp (Ganja) in the sack behind the cycle from the Boodha Pahad, who will go through village Kansindhi, this information was written by Prem Sahu as an informer Panchnama Ex.-P/9 prepared and prepared Panchnama of Ex.-P/10 in respect of information about not getting

search warrant and sent copies of both to S.D.O.P., Gariaband. After registering the departure No. 373 for immediate raid action, police personnel reached village Kansindhi with constable No. 1502 and No. 194, near the Panchayat building, summoned the witnesses Kamal Kumar and Udhoram, instructed them to remain present in the proceedings while being informed about the informer information, at about 6:15 O'clock the accused was seen coming near the Panchayat building, who was stopped and questioned, he said his name Shyamlal. Thereafter, the in-charge of the station made him aware of his right by giving him a written notice Ex.-P/1, that if he wanted, he could get his search done by any gazetted officer or magistrate, on which the accused gave his consent to the police station in-charge Prem Sahu.

3. The consent letter was written by the witness Kamal Kumar on behalf of the accused, after which the accused was searched, hemp (Ganja) was filled in green polythene inside a white plastic sack in the carrier of the bicycle in the possession of the accused. The accused told the weight of the hemp (Ganja) to be 5.500 Kg., which was weighed by Ashok Thakur, the total weight of the hemp (Ganja) was found to be 8.150 Kg. including the sack. From the possession of the accused, the hemp (Ganja) was confiscated along with the seizure of the cycle (Ex.-P/6). After coming back to the police station, FIR Ex.-P/12 was registered against the accused and the accused was apprised of the reason for the arrest and the arrest was made as per Ex.- P/7.

4. So as to hold the accused/appellant guilty, the prosecution has examined as many as 6 witnesses. Statement of the accused person was also recorded under Section 313 of the Cr.P.C. in which he denied

the circumstances appearing against them and pleaded innocence and false implication in the case.

5. Upon consideration of oral and documentary evidence, the trial Court convicted the appellant under Section 20(B)(1) r/w Section 8 of the Narcotic Drugs and Psychotropic Substances Act and sentenced him as mentioned above. Hence, this appeal filed by the appellant.

6. Learned counsel for the appellant submits that impugned judgment of conviction and sentence is contrary to law and facts available on record. He further submits that the prosecution neither could prove the seizer of alleged contraband nor could prove the compliance of the mandatory and directive provisions of the NDPS Act. He lastly submits that there are material contradictions in the statements of the prosecution witnesses, therefore, the same ought not to have been relied upon. Therefore, judgment of conviction and order of sentence is liable to be set aside.

7. On the other hand State counsel supporting the impugned judgment of conviction and order of sentence submitted that the trial Court has not committed any error of law. It is in strictly in accordance with law and no inference is called for.

8. Having gone through the material on record and the evidence of the witnesses Udhoram (PW-1), Kamal Kumar (PW-2), Ramadhar Sahu (PW-3), Ganga Sagar Singh (PW-4), Jagmohan Singh Oti (PW-5), and Prem Sahu (PW-6) have established the involvement of the accused/appellant in the crime and stands proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by the Court below as regards conviction of the appellant under Section 20(B)(1) r/w Section 8 of the Narcotic Drugs and Psychotropic Substances Act.

9. Learned trial Court also relied upon the statement of the witnesses and found that accused person is guilty of Section 20(B)(1) r/w Section 8 of the Narcotic Drugs and Psychotropic Substances Act and convicted him. This finding is based on oral and documentary evidence, therefore, this Court find no error. The appeal being devoid of merits is liable to be and is hereby dismissed.

10. As per the report dated 17.09.2021 received from Superintendent Central Jail, Raipur (C.G.), the appellant has suffered the full jail term and released from jail, therefore no further order for his arrest, etc. is required.

**Sd/-
(Rajani Dubey)
udge**