

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 845 of 2001**

Dadan Singh Bargahi, aged 23 years, S/o Matku Singh
Bargahi, R/o. Purani Basti, Burhar, P.S. Burhar, Distt.
Shahdol (MP)

---- Appellant**Versus**

- State of Chhattisgarh, through Police Station (Control Room) Nagarnar, District Jagdalpur (C.G.).

---- Respondent

For Appellant	:	Ms. Soniya Kuldeep, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****17.08.2021**

1. This appeal is directed against the impugned judgment of conviction and order of sentence dated 28.08.2001 passed by Special Judge, NDPS Act, Bastar, Jagdalpur (CG), in Special Case No. 05/2001, whereby the learned Special Judge convicted the appellant under Section 20(b)(1) of Narcotic Drugs and Psychotropic Substance Act and sentenced him to undergo R.I. for two and a half year and to pay fine of Rs. 4,000/- with default stipulation.
2. The prosecution case, as unfolded from the impugned judgment and the records of the case is that on 01.01.2001 at 08.00 AM on being informed, Police Personnel reached the place where the appellant was stood, searched the bag of

appellant and seized about 6.00 kg of contraband article cannabis (Ganja) from the possession of the appellant. After completion of investigation charge was framed against the appellant under Section 20(b)(1) of Narcotic Drugs and Psychotropic Substance Act.

3. So as to hold the accused/appellant guilty, the prosecution has examined as many as 5 witnesses. Statement of the accused/appellant was also recorded under Section 313 of the Cr.P.C. in which he denied the charge leveled against him and pleaded innocence and false implication in the case.
4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 01.01.2001 learned Special Judge has convicted and sentenced the appellant as mentioned above in para 1 of this order. Hence, the present appeal filed by the appellant.
5. Assailing legality and validity of the impugned judgment of conviction and order of sentence, learned counsel for the appellant would argue that the conviction and sentence of the appellant is bad, illegal and improper. She next contended that the learned trial Court erred in awarding the sentence to the appellant under Section 20(b)(1) of Narcotic Drugs and Psychotropic Substance Act as the appellant has been convicted on the basis of suspicion, therefore, the impugned order is liable to be set-aside.
6. On the other hand, learned counsel appearing on behalf of State has supported the impugned order of the Court below convicting the appellant under Section 20(b)(1) of Narcotic

Drugs and Psychotropic Substance Act, being based on the material available on record, are just and proper and do not call for any interference in this appeal.

7. I have heard learned counsel for the parties and perused the records including the impugned judgment.
8. The main objection of the counsel for the appellant is that the as per the Chemical Test Report of the seized article (Ex.P25), the sample (Ganja) was packed in a polythene packet but this fact does not find in FIR(Ex P-20) as well as seizure memo (Ex. P-11). After going through the seizure memo (Exp-11) and FIR (Ex. P-20), it is clearly mentioned in both of the evidence that the seized article was packed in a polythene packet, which can be also seen in search memorandum Ex P-6. Learned trial Court found in para 33 and 34 of its judgment that 6.00kg of contraband article cannabis (Ganja) has been seized from the possession of the appellant. Learned trial Court found the investigation and statement of Investigating Officer Vinod Singh reliable. Thus, this Court finds no reason to say that the appellant has been falsely implicated in the case. The appeal being devoid of merits is liable to be and is hereby dismissed.
9. As per the report of jail authorities, 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)
Judge