

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 981 of 2020**

- Durga Mallaiya S/o Shri Naniya Aged About 38 Years R/o Venkateshwar Apartment, Shantinagar, Kakinada, Police Station- Do Shahr, Tahsil- Kakinada, District- East Godawari (Andhra Pradesh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The District Magistrate Bastar (Jagdalpur) (C.G.).
2. Narcotic Control Bureau Indore Regional Unit, 109/110, Mahavir Kripa Avenue, Airport Road, Indore Through The Intelligence Officer, Narcotic Control Bureau, Indore Regional Unit, 109/110, Mahavir Kripa Avenue, Airport Road, Indore Madhya Pradesh

---Respondents

For Petitioner	: Shri Rishi Rahul Soni, Advocate
For Respondents /State	: Shri Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15.01.2021.**

1. The petitioner has been convicted for the offence punishable under Sections 20(b)(ii)C & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') by the Special Judge under NDPS Act, Jagdalpur vide order dated 14.3.2011 in Special Case No.11/2009 and sentenced him to undergo RI for 20 years and to pay fine of Rs.2 lakh with default stipulations. The petitioner is in jail since 06.01.2009.
2. Against the order of conviction, the petitioner filed appeal before this High Court and the same was dismissed vide order dated 07.5.2015, affirming the order of the trial Court.
3. Learned counsel for the petitioner submits that after dismissal of the

appeal, the petitioner wants to file Special Leave Petition before the Supreme Court, therefore, he may be granted bail for some time to enable him to file SLP before the Supreme Court.

4. I have heard learned counsel for the petitioner and gone through the record.

5. Since the appeal filed by the petitioner has already been dismissed by the Division Bench of the this Court, power under Section 482 of the Code of Criminal Procedure cannot be exercised to release the petitioner for facilitating him to file appeal.

6. Accordingly, the petition filed under Section 482 of CrPC is dismissed.

Sd/-

(Sanjay K. Agrawal)

JUDGE