

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2395 of 2019

Arising Out of PS. Case No.-279 Year-2015 Thana- JOGAPATTI District- West Champaran

Rajan Chaudhary @ Tiwari Son of Late Kishore Chaudhary @ Lalan Chaudhary Resident of Village - Kailash Nagar Dhumauliya, P.S.- Patkhauli, Distt - Bagha.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate
For the State : Mr.Abha Singh, Spl. P.P.
Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 24-10-2024 Heard the learned counsel for the appellant and
learned Spl. P.P. for the State.

2. The present appeal has been filed against the judgment of conviction and order of sentence dated 05.04.2019 and 18.04.2019 respectively passed in S.Tr. No. 07 of 2016 arising out of Jogapatti P.S. Case No. 279 of 2015 by which the appellant has been convicted for a period of five years under Section 20(b)(ii)(B) of the NDPS Act and a fine of Rs. 40,000/- and in default of payment of fine he will have to undergo further imprisonment for a period of one year. The appellant was further sentenced to undergo R.I. for a term of three years and a fine of Rs. 2,000/- under Section 25(1-B)a of the Arms Act and in default of payment of fine, he shall further be sentenced to undergo imprisonment for a period of six months.

3. Learned counsel for the appellant, at the very outset, does not challenge the judgment of conviction and he



limits his argument only on the quantum of sentence.

4. Leaned counsel for the appellant submits that the appellant is in custody since 29.08.2015 and he has already undergone imprisonment for a period of four years and four months during the trial and after conviction.

5. It has further been submitted by the learned counsel for the appellant that the appellant is not an habitual offender and this is the first offence committed by the appellant.

6. In view of the aforesaid submissions and considering the period of custody already undergone, this appeal is partly allowed by modification in the sentence. The sentence under the NDPS Act for five years and fine of Rs. 40,000/- is modified to the period already undergone and a fine of Rs. 10,000/- and in case of default in payment of fine, the appellant will further undergo imprisonment for three months. As far as sentence imposed under Arms Act is concerned, the sentence is modified to period already undergone and further a fine of Rs. 2,000/-. In case of default in payment of fine, the appellant will further undergo imprisonment for 15 days.

(Sandeep Kumar, J)

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