

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3695 of 2019

Arising Out of PS. Case No.-2 Year-2017 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

=====

Avinash Kumar Bharti @ Avinash Kumar Giri @ Rinku Giri Son Of Om
Prakash Bharati Resident Of Village-Sagar Pokhara, Bettiah Ward No.34,
P.S.-Bettiah Town, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ram Adya Singh

For the Respondent/s : Ms. Abha Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-11-2024 Heard the learned counsel for the appellant and the
learned counsel for the State.

2. This appeal has been filed against the judgment/
sentence dated 15.07.2019 and 17.07.2019 passed by the learned
District & Sessions Judge cum Special Judge, NDPS Act,
Bettiah (West Champaran) in Tr. No. 07 of 2017 arising out of
Narkatiaganj Rail P.S. Case No. 02 of 2017 by which the
appellant has been convicted/ sentenced to undergo R.I. for 3
years and a fine of Rs. 20,000/- and default of fine further to
undergo imprisonment for six months under Section 21(b) of
N.D.P.S. Act.

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



limits his argument to the punishment awarded to the appellant.

4. It has been submitted by the learned counsel for the appellant that the appellant has no prior record of conviction and he prays for a lenient view.

5. I have considered the submission of the parties.

6. In the facts of the case, this Court does not interfere in the conviction of the appellant which is upheld, but the sentence awarded to the appellant under Section 21(b) of the N.D.P.S. Act *vide* judgment/sentence dated 15.07.2019 and 17.07.2019 by the learned District and Sessions Judge cum Special Judge, N.D.P.S. Act, Bettiah (West Champaran) is modified to that of the period already undergone by the appellant with a fine of Rs. 1,000/- and in default of payment of the fine, the appellant shall undergo simple imprisonment for a period of 7 days.

7. If the appellant is not wanted in any other case, he is directed to be released forthwith.

8. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

