



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.432 OF 2025

IN

CRIMINAL APPEAL NO.241 OF 2025

(Chandabai w/o Pradipsingh Thakur Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Daga, Advocate for the appellant.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 6, 2025.

By this application, the appellant is seeking suspension of sentence and releasing her on bail.

2. Learned Counsel for the appellant submitted that the appellant was prosecuted of the offence punishable under Sections 21(b), 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (hereinafter referred to as "the NDPS Act" for short) and after trial she is held guilty of the offence punishable under the above sections and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.50,000/- in default further undergo rigorous imprisonment for 10 months.

3. Learned Counsel for the appellant further shown his willingness to deposit the fine amount and submitted that the appellant was on bail during the trial. It was intermediate quantity allegedly found in possession

of the present appellant. He also invited my attention towards the impugned judgement and submitted that as far as the mandatory provisions are concerned which are not complied with. However, learned trial Court has not taken into consideration all these aspects. He further submitted that the personal search of the present applicant is also not taken in view of Section 50 of the NDPS Act. Thus, considering all these aspects, the appellant has every chance of success in the present appeal. He has many arguable points as the mandatory provisions are not followed. In view of that, the execution of sentence be suspended and the appellant be released on bail.

4. Learned APP strongly opposed for the same and submitted that the appellant was found in possession of the contraband articles. In view of that, the appeal is devoid of merits and liable to be dismissed. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the impugned judgment from which the learned Counsel for the appellant has pointed out that the intermediate quantity was allegedly found in possession of the present appellant. Moreover, he has pointed out that the mandatory provisions are not followed but learned trial Court has not considered the same, and therefore, the appellant has every chance of success in the present appeal and many arguable points

also. However, the appeal will take its own time for its final disposal. Moreover, the appellant was on bail during the trial and she has not misused the liberty. In view of that, the execution of the sentence be suspended and the appellant be released on bail. Thus, considering the submissions made by the learned Counsel for the appellant and on perusal of the impugned judgement from which he has already pointed out that he many arguable points. Moreover, the punishment imposed is of a limited period. She was on bail during the trial. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 03/05/2025 passed by the Judge, Special Court, NDPS Act, Nagpur in Special NDPS Case No.38/2019 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Chandabai w/o Pradipsingh Thakur be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

(iv) The appellant shall attend the Special Court, Nagpur once in a month i.e. on 5th day of every month.

(v) The appellant shall not indulge himself in similar type of the activities.

6. The application stands disposed of.

CRIMINAL APPEAL NO.241 OF 2025

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

**Divya*