



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (APPA) NO. 652 OF 2024 IN**  
**CRIMINAL APPEAL NO. 367 OF 2024**

Dhanraj @ Dhannu Nathuji Ramteke Vs State Of Maharashtra

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

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Court's or Judge's Order

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Mr. M.V. Rai, counsel for applicant/appellant.

Mrs. Ritu Sharma, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 23/01/2025.**

1. By this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.
2. The appellant was prosecuted for the offence punishable under Sections 20 and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), and after recording the evidence and appreciation of the same, the learned Special Court i.e. Additional Sessions Judge, Wardha, held the appellant guilty and sentenced him to undergo rigorous imprisonment for the period of four years and to pay fine of Rs. 5,000/- for the offence punishable under Section 20(b) (ii)(B) of the NDPS Act, and he is also sentenced to suffer rigorous imprisonment for four years and the fine of Rs. 5,000/- for the offence punishable under Section 22(b) of the NDPS Act. In default, rigorous imprisonment for six months. The certified copy of the judgment shows that fine amount is not paid.

3. Heard learned counsel for the appellant, who submitted that the appellant has every chance of success in the present appeal, and he has also pointed out from the impugned judgment and mandatory provisions are not followed. He has also invited my attention towards the evidence and submitted that the evidence is suffering from various infirmities. Thus, the appellant has every chance of success in the present appeal, on the basis of many arguable points.

4. He further submitted that it would take its own time for its final disposal. In view of that, the execution of the sentence be suspended and the appellant be released on bail.

5. Learned APP strongly opposed the said application on the ground that, on the basis of the evidence and on the basis of the seizure panchanama, it was established that the appellant was found in possession of the contraband articles, and therefore, there is no merit in the appeal, and therefore the application deserves to be rejected.

6. After hearing both sides and on perusal of the impugned judgment, from which learned counsel for the appellant has pointed out that there is non-compliance of the mandatory provisions of the NDPS Act. He further pointed out that the punishment imposed is of a limited period, and if the execution of the sentence is there, there would be an irreparable loss to the present appellant, and the appeal would become infructuous. In view of that, the

request of the present appellant for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The execution of the sentence passed in Special (NDPS) Case No. 14/2022 is hereby suspended till disposal of the appeal.
- c] The appellant shall be released on bail on executing PR. Bond of Rs. 25,000/- with one solvent surety of the like amount.
- d] The appellant shall attend the Court of Additional Sessions Judge, Wardha of 5<sup>th</sup> of every month till disposal of the appeal, and learned Additional Sessions Judge, shall record his presence. The suspension of sentence would be subject to depositing of the fine amount within four weeks.

7. The criminal application (APPA) No. 652/2024 is **disposed of**.

CRIMINAL APPEAL NO. 367/2024

- 1. The appeal is already admitted. The record and proceedings is already received
- 2. The appeal be listed for final disposal after preparation of paper-book.

**[URMILA JOSHI-PHALKE, J.]**