2026:JHHC:31689

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.806 of 2026

[Against the Judgment of conviction and Order of sentence dated 26.02.2026, passed by the learned Additional Judicial Commissioner – XVII, Ranchi in NDPS Case No.124 of 2025, arising out of Sukhdeo Nagar P.S. Case No.359 of 2025]

Mohini Devi @ Mohini Sharma, aged 66 years, Wife of Late Iswar Sharma, resident of near Pragati Club, Kishoreganj Road no.5/1, PO – GPO Ranchi & P.S – Sukhdeo Nagar, District – Ranchi (Jharkhand) 834001. **.....** **Appellant**

Versus

The State of Jharkhand **.....** **Respondent**

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Vijayant Verma, Advocate
For the State : None

Order No.03/ Dated: 29th October, 2026

1. Heard Mr. Vijayant Verma, learned counsel for the appellant. None appears on behalf of the State.

2. The present appeal is directed against the Judgment of conviction and order of sentence dated 26.02.2026, passed by the learned Additional Judicial Commissioner – XVII, Ranchi, in NDPS Case No.124 of 2025, arising out of Sukhdeo Nagar P.S Case No.359 of 2025, whereby the appellant has been convicted under Sections 21(b)/ 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act), and has been sentenced to undergo rigorous imprisonment for three years and two months and to pay fine of Rs.30,000/- (Thirty thousand) for the offence under Sections 21(b)/ 29 of the NDPS Act and in default of fine,

the appellant is further directed to undergo three months simple imprisonment.

3. It appears that the prosecution has been launched against the present appellant, a widow lady, on the strength of F.I.R being Sukhdeo Nagar P.S Case No.359 of 2025(N) (NDPS Case No.124 of 2025) wherein the appellant has confessed her guilt and admitted that 50 pouches of Heroin weighing 10.10 gm was recovered and seized from her house on 10.07.2025 which was concealed in a box of spectacles. She has also admitted that she had no valid documents with respect to the same and was seized in front of the witnesses. The police after investigation, has submitted the charge-sheet under Sections 21(b)/ 29 of the NDPS Act and thereafter, charge has been framed under the aforesaid sections of the NDPS Act.

It further appears that instead of facing trial, the appellant-widow lady has pleaded guilty and on that strength, she has been convicted for the offence under Sections 21(b)/ 29 of the NDPS Act and has been sentenced as stated above.

4. It has been submitted by the learned counsel for the appellant that he is not assailing the judgment of conviction because it has been passed on the strength of plead guilty, but so far as the sentencing part is concerned, it has been submitted it is highly excessive. Reference has been made to Section 32B of the NDPS Act and it has been

submitted that since there is no aggravating circumstances, as prescribed under the law, rather there is mitigating circumstances which is as follows:-

(i) the appellant is a widow lady, aged about 65 years,

(ii) although the impugned judgment shows that the appellant-lady does have criminal antecedent, but no factual matrix has been disclosed, either in the form of case number or anything else, suggesting that this lady has a criminal antecedent,

(iii) the recovered narcotics is just above the small quantity.

On the above basis, learned counsel for the appellant has submitted that the sentencing part is on higher side and as such, prayer has been made for reduction of the sentence to the period already undergone by the appellant.

5. No opposition has been made on behalf of the State as nobody appears on behalf of the State.

6. Having heard learned counsel for the appellant and after going through the materials available on record, this Court finds that the impugned judgment of sentencing is a routine matter. The mitigating circumstances has not been taken into proper perspective and accordingly, sentencing part is reduced to the period already undergone by the appellant, which is about one year and three months, but the fine amount and the default punishment, as imposed by

the trial court, shall remain as it is.

7. The appellant is in custody and as such, she is directed to be released from custody forthwith, if not wanted in any other case.

8. With above modification in the sentencing part, the present appeal is, hereby, disposed of.

9. Pending interlocutory application being I.A No.12424 of 2026, stands disposed of.

10. Let the Trial Court Records be sent back to the Court concerned forthwith, along with a copy of this Judgment.

(Rajesh Kumar, J.)

Jharkhand High Court, Ranchi
Dated, the 29th October, 2026
Ravi-Chandan/- **NAFR**
Uploaded on 29.10.2026