CGHC010114352026 2026:CGHC:43057

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No.794 of 2026

1 - Mukesh Khunte S/o Shiv Kumar Khunte, Aged About 21 Years R/o Village Rachha Police Station Nawagarh, District Janjgir- Champa (C.G.)

Appellant (s)

versus

1 - State Of Chhattisgarh Through the Police Station Saliha, District Balodabazar (Now Sarangarh- Bilaigarh) C.G.)

Respondent(s)

For Appellant (s)	:	Mr. Vivek Singhal, Advocate
For Respondent (s)	:	Ms. Anmol Sharma, PL

Hon'ble Mr. Justice Naresh Kumar Chandravanshi

Judgment on Board

05/10/2026

1. This criminal appeal has been preferred by the appellant under Section 415 (2) of BNSS against the judgment of conviction and order of sentence dated 10.03.2026 passed by the learned Special Judge (under NDPS Act), Raigarh, C.G. in Special Criminal Case under NDPS Act No.36/2023, whereby the

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appellant has been convicted under Section 20 (b) (ii) (B) of NDPS Act and sentenced to undergo RI for 2 years and fine of Rs.25,000/- and in default of payment of fine, additional RI for 3 months.

2. The case of the prosecution, in brief, is that on 08.05.2020, on a secret information received by the informant, a raid was conducted by the Police of Police Station Saliha and they intercepted the appellant and another co-accused, who were on motorcycle and were going to Bamhani to Saliha, and seized 5 kg of contraband ganja from the joint possession of the applicant and other co-accused person. Thereafter a case was registered against the accused under Section 20 (b) (ii) (B) of NDPS Act and charge sheet was filed before the Magistrate concerned for the aforesaid offence and charges were framed against the appellant for the offence under Section 20(b)(ii)(B) of the NDPS Act. The appellant denied the circumstances appearing against him. The statement of the appellant was also recorded under Section 313 of CrPC, in which he abjured the guilt and claimed to be tried.

3. In order to bring home the charges, the prosecution examined as many as 5 witnesses and exhibited 58 documents in its support, whereas the appellant did not examine any witness in his defence.

4. The learned Trial Court after appreciating the evidence available on record convicted and sentenced the appellant, as mentioned in para 1 of the judgment.

5. At the outset, learned counsel for the appellant would submit that he does not want to press this appeal with regard to conviction part of the impugned judgment against the appellant, rather he would confine his arguments only to the sentence part. He further submits that the appellant remained in custody from 08.05.2020 to 22.06.2020 and thereafter from the date of the judgment passed by the learned Special Court i.e. 10.03.2026 to till date, as such the appellant has remained in jail for more than 8 months. The appellant is a young boy, aged about 21 years. Therefore, it is prayed that the sentence awarded to the appellant may kindly be reduced to the period already undergone by him.

6. On the contrary, learned State counsel supports the impugned judgment and submits that the learned Trial Court after properly appreciating the evidence available on record has rightly convicted and sentenced the appellant, as such no interference is called for by this Court.

7. I have heard learned counsel for the parties and perused the material available on record including the record of the learned Trial Court.

8. Though, learned counsel for the appellant is not pressing the instant appeal on the conviction part of the judgment, however

upon perusal of the statements of PW-5 Arun Sahu, Investigating Officer, the independent witnesses PW-2 Rajendra Yadav and PW-3 Kamlesh Sahu and other witnesses and further considering the FSL report (Ex.P-54), which confirms that the samples of contraband substance seized from the possession of the appellant were found to be ganja, this Court finds that the learned Special Court, upon proper appreciation of the evidence available on record, has rightly held the appellant guilty of the aforesaid offence. The finding of guilt recorded by the learned Special Court is well supported by the evidence on record and calls for no interference by this Court. Accordingly, the conviction of the appellant for the aforesaid offence is hereby affirmed.

9. Insofar as the sentence part of the appellant is concerned, it is apparent that the appellant has already undergone more than 8 months of the jail sentence, whereas the appellant has been sentenced to the maximum period of 2 years, the appellant is a young boy, aged about 21 years, therefore, this Court is of the view that no useful purpose would be served by keeping the appellant in further detention to undergo the remaining period of sentence, rather the ends of justice would be served if his jail sentence under the aforesaid offence is reduced to the period already undergone by him. It is ordered accordingly.

10. In the result, the criminal appeal is partly allowed. The conviction of the appellant recorded by the learned Trial Court is

maintained; however the jail sentence imposed upon him is reduced to the period already undergone by him (from 08.05.2020 to 22.06.2020 and thereafter from 10.03.2026 to till date). The sentence of fine imposed by the learned Trial Court is also maintained. The impugned judgment stands modified to the above extent.

11. The appellant is reported to be in jail. He be released forthwith, if he is not required to be detained in any other case.

12. Record of the learned Trial Court along with copy of this judgment be sent back immediately to the Trial Court concerned for compliance and necessary action.

13. Interim application, if any, stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Nirala