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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 961 of 2026

- Prateek Sharma, S/o Balwant Sharma, aged about 25 Years, R/o Tikrapara, Kanker, P.S. City Kotwali, Distt. Kanker, Chhattisgarh.

...Appellant

versus

- State of Chhattisgarh, Through Station House Officer, P.S. Kotwali, Distt. Raipur, Chhattisgarh.

... Respondent

For Appellant	:	Mr. Mayank Chandrakar, Advocate.
For Respondent/State	:	Mr. Ujjawal Choubey, Panel Lawyer.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Judgment on Board

13/10/2026

1. This criminal appeal has been preferred by the appellant under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), against the judgment of conviction and order of sentence dated 11.03.2026 passed by the learned Special Judge (NDPS Act), Raipur, District Raipur (C.G.) in Special Criminal Case No.52/2021, whereby the appellant has been convicted and sentenced as under:-

Conviction	Sentence
Under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')	Rigorous Imprisonment for three years and fine of Rs.25,000/-, in default of payment of fine amount to undergo additional rigorous

	imprisonment for six months

2. Case of the prosecution, in brief, is that on 16.03.2021, at about 7:20 p.m., on the basis of information received from the informant, PW-4 A.P. Shukla, Investigating Officer, along with other police personnel, conducted a raid near the house of Krishna Bauna, Nehru Nagar, Kalibadi, Raipur, where the appellant was found in possession of 25 strips of Rescalm 0.5 (Alprazolam IP 0.5 mg) tablets, each strip containing 10 tablets, totalling 250 tablets and weighing 40 grams, without any valid authority. Appellant allegedly attempted to flee from the spot, but was apprehended by the police. After completing the requisite formalities under the NDPS Act, the aforesaid tablets were seized from his possession vide seizure memo (Ex.P-24). A sample was drawn from the seized tablets and sent to the Government Analyst, Chhattisgarh Drug Testing Laboratory, Food and Drugs Administration, Kalibari, Raipur, C.G., for chemical examination. As per the chemical examination report (Ex.P-38), Alprazolam was found in the sample, with each tablet containing 0.47 mg of Alprazolam. Thereafter, an FIR was registered against the appellant for the offence under Section 21(b) of the NDPS Act. After completion of investigation, charge-sheet was filed against the appellant for the offence punishable under Section 22(b) of the NDPS Act.

3. The learned Special Court framed the charge against the appellant under Section 22(b) of the NDPS Act. Appellant denied the charge and claimed to be tried. In order to prove the charge, the prosecution examined six witnesses and exhibited fourty four documents. However, appellant did not examine any witness in his defence.

4. After appreciating the evidence available on record, the learned Special Court convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.

5. At the outset, learned counsel for the appellant submits that he does not wish to press the present appeal insofar as the conviction recorded by the learned Special Court is concerned and would confine his submissions only to the quantum of sentence. He further submits that the appellant remained in custody from 16.03.2021 to 12.07.2021 and from 11.03.2026 till date. He also submits that the appellant has no criminal antecedents and is a young boy aged about 25 years. Therefore, it is prayed that the jail 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 Special Court, after appreciating the evidence available on record, has rightly convicted and sentenced the appellant.

7. I have heard learned counsel appearing on behalf of the parties and perused the record.

8. Though learned counsel for the appellant is not pressing the appeal against the conviction recorded by the learned Special Court, but as per the deposition of PW-4 A.P. Shukla, who is the Investigating Officer in the present case, after completing the mandatory formalities, he conducted the raid. Appellant attempted to flee from the spot, therefore, he was apprehended by the police. On search, 25 strips containing 250 tablets of *Alprazolam*, weighing 40 grams, were seized from the possession of the appellant. This fact is also supported by the seizure memo (Ex.P-24). Though the seizure witnesses, namely Raju Kurrel and Raju Soni, have not

been examined, but nothing material has been elicited in the cross-examination of the Investigating Officer (PW-4 A.P. Shukla). Further, the other proceedings have also been proved by the accompanying witnesses, namely PW-1 Rajan Bansal, PW-2 Mukesh Kumar Sahu and PW-3 Prashant Shukla, who are police personnel. Therefore, the seizure of the contraband from the possession of the appellant cannot be discarded. Furthermore, Ex.P-38 is the report prepared by the Government Analyst, Chhattisgarh Drug Testing Laboratory, Food and Drugs Administration, Kalibari, Raipur, wherein the sample sent for examination was found to contain *Alprazolam*, with each tablet containing 0.47 mg of *Alprazolam*. Thus, it has been proved that the contraband seized from the appellant contained *Alprazolam*, a psychotropic substance under the NDPS Act. Having considered the intermediate quantity of the psychotropic substance seized from the appellant and the relevant entry at Serial No.178 of the Schedule to the NDPS Act, this Court finds no sufficient ground to interfere with the findings recorded by the learned Special Court holding the appellant guilty of the offence under Section 22(b) of the NDPS Act. Accordingly, the conviction of the appellant is affirmed.

9. So far as the sentence part is concerned, having considered the intermediate quantity of the contraband seized from the appellant, the other facts and circumstances of the case, the submission of learned State counsel that the appellant has no criminal antecedents, and further keeping in view the fact that the appellant has served jail sentence for about 11 months and 7 days out of the jail sentence awarded by the learned Special Court, 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 section is reduced to the period already undergone by him. Ordered accordingly.

10. Consequently, the appeal is partly allowed. Conviction of the appellant under Section 22(b) of the NDPS Act, as recorded by the learned Special Court, is affirmed. However, the sentence of rigorous imprisonment for three years imposed upon the appellant is reduced to the period already undergone by him i.e., from 16.03.2021 to 12.07.2021 and from 11.03.2026 till date. The fine amount along with the default sentence imposed by the learned Special Court shall remain intact. The impugned judgment stands modified to the above extent.

11. Appellant is reported to be in jail. Therefore, he be released forthwith, if not required in any other case.

12. Keeping in view the provisions of Section 481 of the BNSS, the appellant is directed to furnish a personal bond in terms of Form No. 45 prescribed under the Code of Criminal Procedure, for a sum of Rs.25,000/- before the concerned Special Court, which shall remain effective for a period of six months, along with an undertaking that, in the event of filing of a Special Leave Petition against the instant judgment or for grant of leave, the appellant, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

13. Record of the concerned Special Court along with a copy of this judgment be sent back forthwith for information and necessary compliance.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Akhilesh