



Act, 1985	Rs.1,00,000/- with default stipulations.
U/s 21 (A) of the N.D.P.S. Act, 1985	R.I. for 6 months and fine of Rs.5,000/- with default stipulations.
U/s 34(2) of the Chhattisgarh Excise Act.	R.I. for 1 year and fine of Rs.25,000/- with default stipulation.
All sentences to run concurrently.	

It is submitted by learned counsel for the appellant that conviction of the appellant is totally erroneous and against the provisions of law. The conviction is based only on the statement of the Investigation Officer namely Vijay Lal Sahu (PW-11), who is also the lodger of F.I.R. The statement of this witness was totally unreliable in view of the ratio laid down by Hon'ble Supreme Court in the case of **Mohan Lal Vs. State of Punjab, (2018) 17 SCC 627**, which was delivered on 16.08.2018, whereas the date of incident in this case is 11.04.2020, therefore, the judgment in **Mohan Lal Vs. State of Punjab (supra)** is squarely applicable in the present case. Independent witnesses of search and seizure namely Banti @ Krishna Kumar Yadav (PW-1) and Satish Kumar Yadav (PW-2) have not supported the prosecution case in any respect. Hence, appellant has very good case to argue in this appeal. Therefore, it is prayed that the appellant may be enlarged on bail during pendency of this appeal.



On the other hand, learned State counsel opposes the arguments advanced by the counsel for the appellant and submits that conviction is also based upon the evidence of Investigation Officer namely Vijay Lal Sahu (PW-11) but he is reliable witness, hence no error has been committed by the learned trial Court in convicting the appellant. Hence, the instant application be rejected.

We have heard learned Counsel for the parties and perused the record.

Considered on the submissions and also perused the evidence present in the record of the trial Court. Taking into consideration the ratio laid down by Hon'ble Supreme Court in the case of **Mohan Lal Vs. State of Punjab (supra)**, we are of the view that, it is a fit case to enlarge the appellant on bail during the pendency of this appeal

Accordingly, I.A. No. 01/2021 is allowed.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the Registry of this Court on **30.03.2022**. He shall thereafter appear before the Trial Court on a date given by the Registry of this



Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till disposal of this appeal.

List this case for final hearing in due course.

Sd/-

(R.C.S. Samant)

Judge

Sd/-

(Arvind Singh Chandel)

Judge

Prakash

