



HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1259 of 2021

- Vishal Vishwakarma, S/o Ashok Vishwakarma, Aged About 32 Years, R/o Shankarghat Ambikapur Tahsil Ambikapur District Surguja Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Ambikapur District - Surguja Chhattisgarh.

---- Respondent

06/09/2022	Mr. Nishi Kant Sinha, counsel for the appellant. Mr. Ishwar Jaiswal, P.L. for the State. Heard on I.A. No.01/2021 which is an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 12.10.2021 passed by learned Special Judge (N.D.P.S.) Act, Ambikapur, District - Surguja (C.G.) in Special Criminal (NDPS) Case No. 03/2020, whereby the appellant has been convicted and sentenced as under: <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 21(C) of the NDPS Act</td><td>R.I. for 10 years with fine of Rs. 1,00,000/- and on default of payment of fine amount additional R.I. for 3 years</td></tr></table> Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the case. He further submits that search and seizure witnesses of this case, did not support the prosecution case and have turned hostile. He also submits that appellant is in jail since 31.07.2020 and the disposal of this appeal is likely to take some time, therefore, the appellant may be released on bail and execution of the fine sentences may also be	Conviction	Sentence	Under Section 21(C) of the NDPS Act	R.I. for 10 years with fine of Rs. 1,00,000/- and on default of payment of fine amount additional R.I. for 3 years
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suspended during the pendency of this appeal.

Reliance has been placed on the judgment of the Hon'ble Supreme Court in the matter of **Union of India Vs. Bal Mukund and others** reported in **(2009) 12 SCC 161** and the **other order dated 24.08.2021** passed by the Division of this Court in **CRA No. 1616/2019**.

On the other hand, learned State counsel opposes the bail application.

Heard learned counsel for the parties and perused the record of the trial Court.

Considering the facts and circumstances of the case, the nature and quality of evidence available on record, detention period of the appellant and that disposal of this appeal is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the appellant on bail. Accordingly, the application is allowed in part.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended and he shall be released on bail subject to deposit of the entire fine amount by the appellant with the concerned trial Court and on his executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **20th October, 2022**. He shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and thereafter, continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court till disposal of these appeals.

List these matters for final hearing in due course.

Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge