

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 251 of 2026**

Bhaktraj Ghosh Alias Raja S/o Jodhu Gopal Ghosh Aged About 28 Years R/o In Front Of Super Market Bandhwapara, Purani Basti, Raipur, District Raipur, C.G.

... Appellant**versus**

State Of Chhattisgarh Through - P.S. Purani Basti, District Raipur (C.G.)

... Respondent

(Cause-title is taken from CIS)

For Appellant : Mr. Akash Sahu, Advocate
For Respondent/State : Mr. Akash Agrawal, Panel Lawyer

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****07.04.2026**

1. This appeal has been preferred by the appellant under Section 415 of BNSS, 2023 challenging the impugned judgment of conviction and order of sentence dated 01.12.2025 passed by learned Special Judge (NDPS Act) Raipur, District Raipur (C.G.), in Special Criminal Case No.268/2024, whereby the appellant has been convicted as under:-



<u>Conviction</u>	<u>Sentence</u>
Under Section 20(b)(ii)(B) of the NDPS Act, 1985	1 year rigorous imprisonment and fine of Rs.25,000/-, in default of payment of fine, to undergo additional 6 months' RI

2. The case of the prosecution is that, on the basis of information received from an informant on 02.09.2024, police officials of Police Station Purani Basti, Raipur, after completing necessary formalities conducted raid and seized 3.500 Kg. of contraband Ganja from the appellant which was kept in a white plastic carry beg. Thereafter, a case was registered against the appellant and the seized substance was sent to the Forensic Science Laboratory for testing. As per the test report (Ex.P-46), the seized substance was confirmed to be Ganja. After completion of investigation, charge sheet was filed against the appellant.
3. During the course of trial, in order to bring home the offence, prosecution examined as many as 8 witnesses and exhibited 53 documents in support of its case. The statement of the appellant / accused was also recorded under Section 313 of Cr.P.C. in which he denied the circumstances appearing against him in the evidence brought on record by the prosecution, pleaded innocence and false implication.
4. Learned trial Court, after appreciation of oral and documentary evidence on record, convicted and sentenced the appellant as mentioned in the opening paragraph of this judgment, against which the present appeal has been preferred by the appellant questioning the legality, validity and correctness of the impugned judgment.
5. Learned counsel for the appellant submits that he does not want to press this appeal on merits and confines his argument only on sentence part. He submits that the appellant is now aged about



30 years and having family responsibilities. Out of 1 year of jail sentence, he has already remained in jail for about 11 months and 24 days. The incident took place in the year 2024 and since then he is facing the *lis*. Hence, by considering all these aspects, the sentence of the appellant may be reduced to the period already undergone by him in the interest of justice.

6. Per contra, learned counsel appearing for the State, supported the impugned judgment and opposed the arguments advanced on behalf of the Appellant. He further submits that the appellant has 7 previous cases under IPC, Arms Act, and Gambling Act.
7. Heard learned counsel for the parties and perused the record including the impugned judgment.
8. Having gone through the material available on record and the evidence of Ganesh Ram Sahu (PW-3), seizure memo (Ex.P-27) and the report of State Forensic Science Laboratory (Ex.P-46), establish the involvement of the Appellant in the crime in question. This Court does not find any illegality or infirmity in the finding recorded by the Trial Court as regards the conviction of the appellant for offence punishable under Section 20(b)(ii)(B) of the NDPS Act which is based on evidence available on record and it is hereby affirmed.
9. As regards the sentence, in light of the decision of the Hon'ble Supreme Court in the case of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in **(1977) 3 SCC 287** and keeping in view the fact that the appellant is now aged about 30 years, he was a labour and having family responsibilities. He has no criminal antecedents. As per arrest memo (Ex.P-30), he has studied upto 8th standard. He is facing the *lis* since 2024. Out of 1 year of jail sentence, he has already served 11 months and 24 days of jail sentence. Considering all these facts, this Court opines that justice would be served if the appellant's sentence is reduced to the period already undergone by him.



10. Accordingly, the conviction of the appellant for offence under Section 20(b)(ii)(B) of the NDPS Act is maintained and the sentence of RI for 1 year is reduced to the period already undergone by him i.e. 11 months and 24 days. However, the fine amount and its default stipulation as imposed by the Trial Court shall remain intact.
11. Consequently, the appeal is **partly allowed** to the extent indicated hereinabove.
12. The appellant is in jail. He be released forthwith if not required to be detained in connection with any other case/s or default sentence for fine.
13. Let a certified copy of this judgment along with the original record be transmitted to the trial Court concerned. A copy of this judgment be also transmitted to the concerned Jail Superintendent where the appellant is serving his sentence, for information and necessary action, if any.

Sd/-
(Sanjay Kumar Jaiswal)
Judge