



2026:CGHC:9041

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 2213 of 2025**

1 - Ruchita Kumar Gond S/o Tugur Gond Aged About 31 Years
R/o Plot No. 405, Room No. 01, Kashi Nagar, Bamroli Road,
Pandesar, Surat (Gujrat), At Permanent Address S. Gopalpur,
Thana - Patapur, District - Gajam (Odisha)

... Appellant**versus**

1 - State Of Chhattisgarh Through - Station House Officer, Police
Station - Kotwali Rajnandgaon, District - Rajnandgaon (C.G.)

... Respondent

For Appellant : Ms. Anjali Pradhan, Advocate.

For Respondent/State : Ms. Sunita Manikpuri, G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****20/02/2026**

1. The present appeal arises out of the impugned judgment of conviction and order of sentence dated 20.08.2025 passed by the learned Special Judge, (N.D.P.S. Act), Rajnandgaon, District-Rajnandgaon (C.G.), in Special Criminal (NDPS Act) Case No. 19/2024 whereby the learned Special Judge has convicted and sentenced the appellant as under :

Conviction	Sentence
U/s 20(b)(ii)(B)	R.I. for 7 years with fine of Rs.



of N.D.P.S. Act	50,000/-, and in default of payment of fine amount additional R.I. for 4 months.
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2. As per the prosecution case, on 19.04.2024, Inspector Aman Kumar Sahu (PW-1), posted at Police Station-Basantpur, Rajnandgaon, received secret information from an informant to the effect that two persons were waiting for a bus near the Rajnandgaon bypass with ganja in a bag. On the basis of said information, he along with staff and witnesses reached the spot and after due procedure, searched and seized 15.610 Kg ganja from present appellant Ruchita Kumar Gond and 25.090 Kg ganja from co-accused Ramesh Sethi. Based on this offence has been registered against the accused persons and after due investigation and procedure charge sheet was filed against the accused persons.
3. So as to hold the accused/appellants guilty, the prosecution has examined as many as 12 witnesses and exhibited 69 documents. The statements of the accused/appellant was also recorded under Section 313 of the Cr.P.C. in which he denied the circumstances appearing against him and pleaded innocence and false implication in the case.
4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 20.08.2025, learned Special Judge has convicted and sentenced the appellant as mentioned in para-1 of this judgment. Hence, the present appeal.
5. Learned counsel for the appellant submits that she is not pressing the appeal so far as the conviction is concerned and would confine his arguments to the sentence part thereof only. According to her, the incident is said to have



taken place on 19.04.2024, and only 15.610 kg of ganja has been seized from the possession of the accused/appellant. The appellant is in jail since 19.04.2024 till date, i.e. total of 1 year, 10 months and 1 day, and he is still serving the jail sentence. She also submits that the appellant has no criminal antecedent and the fine amount imposed upon him has already been deposited; therefore, in the interest of justice, it would be appropriate if the sentence imposed upon the present appellant may be reduced to the period already undergone by him and he may be released from jail.

6. Per contra, learned counsel appearing for the State, supporting the impugned judgment, opposed the arguments advanced on behalf of the appellants and submits that, however, the appellant has no criminal antecedent.
7. Heard learned counsel for the parties and perused the material on record including the impugned judgment.
8. Having gone through the material on record and the evidence of the witnesses Surbhi Bariha (PW-1), Kanti Sahu (PW-2), Vidhyadhar Manjhi (PW-3), Devratna Yadu (PW-4), Sandeep Singh Chouhan (PW-5), Bharat Chouhan (PW-6), Suraj Sharma (PW-7), Rupendra Kumar Verma (PW-8), Ranjeet Chourasiya (PW-9), G. Siril Kumar (PW-10), Aman Kumar Sahu (PW-11) and Ishwar Sahu (PW-12), establishes the involvement of the accused/appellant in the crime in question. Thus, considering the oral and documentary evidence on record the seizure of Ganja from the possession of the accused/appellant which was subsequently found to be Ganja as per FSL report/52A/24. This Court does not see any illegality in the findings recorded by the trial Court as regards conviction of the



appellant under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act.

9. As regards sentence, in the matter of **Mohammad Giasuddin v. State of Andhra Pradesh** reported in **(1977) 3 SCC 287**, Hon'ble Supreme Court has observed that if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in para-9 as follows:

“9. Western jurists and 'sociologists, from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817 :

"The laws of England are written in blood". Alfieri has suggested : 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'Crime is the result of the lack of the right kind of education.' It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturation. Therefore, the focus of interest in penology is the individual, and goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defense. We, therefore consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw : 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Jeffrey Streatfield : “If you are going to have anything to do with the criminal Courts, you should see for yourself



the conditions under which prisoners serve their sentences.”

10. In the light of the decision of the Supreme Court in the case of **Mohammad Giasuddin** (supra) and keeping in view the facts that the appellant has already served the jail sentence of a total of 1 year, 10 months and 1 day and at present appellant is aged about 33 years, as per arrest memo, the appellant has no criminal antecedent, he studied upto 6th class and works as a labour, this court is of the opinion that the ends of justice would be served if he is sentenced to the period already undergone by him by enhancing the fine amount.
11. In the result, the appeal is **allowed in part**. While maintaining the conviction of the appellant under Section 20(b)(ii)(B) of the NDPS Act, his jail sentence is reduced to the period already undergone by him i.e., 1 year, 10 months and 1 day instead of R.I. for 7 years. However, the fine of Rs. 50,000/- is hereby enhanced to Rs. 1,00,000/-. The appellant shall pay the enhanced/imposed fine amount of Rs. 1,00,000/- by this Court today, failing which he shall be liable to undergo R.I. for 1 year. Fine amount, if any, deposited by the appellant shall be adjusted.
12. The appellant is reported to be in jail. He be released forthwith if not required in default of payment of the fine amount, and in any other case.
13. Let a certified copy of this order along with original record be transmitted forthwith to the trial Court concerned as well as to the Superintendent of Jail where the appellant is languishing for information and necessary action, if any.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE