
(2011) 03 PAT CK 0055

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 654 of 2007

Raj Kant Jha

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 20(B)

Citation : (2011) 03 PAT CK 0055

Hon'ble Judges : Akhilesh Chandra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Akhilesh Chandra, J.—The solitary Appellant stands convicted for the offence punishable under Sections 20(b) of the Narcotic Drugs and Psychotropic Substance Act and sentence to undergo rigorous imprisonment for one year & six months with fine of Rs. 1,500/-, failing which further to undergo rigorous imprisonment for one month as awarded by 1st Additional Sessions Judge, Madhubani on 20th June, 2007 in G.R. Case No. 1 of 2006 / T.R. Case No. 8 of 2006, arising out of Madhepur (R.S. Shivar) P.S. Case No. 12 of 2006.

2. During course of argument one single point was raised that as per prosecution allegation Appellant was found in possession of 5 Kg. of Ganja and apprehended on 11.01.2006 remained in custody through out and he has already been released after serving the sentence awarded including the penal sentence for non-payment of fine. The learned Counsel for the Appellant submits that this appeal be disposed of with a sentence already undergone without any otherwise finding on conviction.

3. Taking into consideration, the submissions made on behalf of the Bar and as substantiated from the record, this appeal is hereby dismissed with modification in sentence as undergone.