

News

Chhattisgarh High Court: It Would Be Deadly For The Defense To Not Explain Organized Crime When A Criminal Conspiracy Is Conceived To Transport Contraband



Criminal appeals filed under Section 374(2) of the CrPC against the Special Judge's guilty judgment and sentencing order were dismissed by the Chhattisgarh High Court.

The Chhattisgarh High Court ruled that it would be fatal for the defense to not explain a criminal conspiracy including the shipment of contraband in an organized crime case.

In a set of criminal appeals filed under Section 374(2) of the Criminal Procedure Code, 1973 (CrPC), the court ruled that the accused were found guilty under the Narcotic Drugs and

Psychotropic Substances Act, 1985 (NDPS Act) based on the Special Judge's conviction judgment and sentence order.

"In cases of organized crime, where a criminal conspiracy is hatched for the transportation of substantial quantity of contraband, and the same is established through clinching evidence, failure on the part of the accused to provide explanation would prove fatal to their defense," noted a Division Bench made up of **Chief Justice Ramesh Sinha and Justice Bibhu Datta Guru**.

The Bench cited the Supreme Court's ruling in *Bharat Aambale v. The State of Chhattisgarh* (CRA No. 250 of 2025), which held that even in cases where the procedure outlined in Section 52-A of the NDPS Act is not followed, if the prosecution's other evidence on file gives the court confidence and satisfies it regarding the recovery and possession of the contraband and from the accused, the Court may proceed with conviction without hesitation, regardless of any procedural issues under Section 52-A of the NDPS Act.

Advocate Anumeh Shrivastava represented the Respondents, while **Advocates Nikhil Wadhwani, Jameel Akhtar Lohani, and Punit Ruparel** represented the Appellants.

Case Facts

The appellants were found guilty of the offenses covered by Section 20(b)(ii)(C) read with Section 29(1) of the NDPS Act and were given a 20-year severe prison sentence and a Rs. 2 lakh fine each. The Senior Intelligence Officer (SIO) was notified in secret in 2020 that a truck carrying about 800 kg of illegal cannabis (ganja) was being transported from Sunki, Andhra Pradesh to Lucknow via Champa, Chhattisgarh. After the squad stopped the aforementioned vehicle, cops searched the trailer and discovered that the floor thickness was far thicker than usual, suggesting that it had been altered.

Officers allegedly discovered chambers with iron trays inside an iron sheet that was opened toward the left. When such trays were removed from cavities, certain packets were discovered within. As a result, the team took the cars to the police station for additional procedures. Weighing each packet to determine the total amount of cannabis contained within them yielded a total of 837.970 kg. The suspects were apprehended after they acknowledged their involvement in cannabis smuggling. The appellants appeared before the High Court because they felt wronged by their conviction.

Reasoning

"This Court has no hesitation to hold that prosecution has successfully proven that accused Balwinder Singh knowingly provided his alleged truck for the commission of crime and that accused Dharam Singh conspired with accused Ajay Pandey to transport a total of 837.97 Kilogram cannabis in the seized truck, while accused Ajay Pandey guided him in the Scorpio bearing registration No. UP-70DN-2656," the High Court wrote in light of the case's facts and circumstances.

The Court believed that the Trial Court's decision was founded on a sound evaluation of the facts, which was neither twisted nor at odds with the record or Supreme Court-established law, and that it did not require any intervention.

"The conviction judgment and sentence order granted to appellants Dharam Singh, Ajay Pandey, and Balwinder Singh are hereby upheld." As a result, CRA Nos. 2234/2023, 1989/2024, and 2282/2023 are hereby dismissed. According to reports, the appellants Ajay Pandey, Dharam Singh, and Balwinder Singh are incarcerated. It stated that they would serve the remainder of their jail term as determined by the learned trial court.

In order to inform the appellants that they have the right to challenge the judgment by filing an appeal with the Apex Court with the help of the High Court Legal Services Committee or the Supreme Court Legal Services Committee, the Court ordered the Registry to send a copy of the judgment to the concerned Superintendent of the Jail where the appellants are serving their jail sentence.

It directed that a copy of this ruling and the underlying documents be sent right away to the trial court in question for compliance and informational purposes.

As a result, the High Court maintained the accused's conviction and rejected the appeals.

Title of Cause: Union of India v. Ajay Pandey (Neutral Citation: 2025:CGHC:26255-DB)