IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 5036/2025
@ SLP(Crl) No. 12967/2025

MOH. KAMIL PATEL — **Appellant(s)**

VERSUS

STATE OF CHHATTISGARH — **Respondent(s)**

O R D E R

1. Leave granted.

2. Heard learned Counsel for the parties.

3. This appeal arises from a judgment and order of the High Court of Chhattisgarh at Bilaspur dated 15.01.2025 passed in Criminal Appeal No. 1171/2019 whereby conviction of the appellant under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act") and Section 3/181 of the Motor Vehicles Act, 1988 has been affirmed, however, the sentence of 20 years R.I. awarded by the Court of Session under

Section 20(b)(ii)(c) of NDPS Act has been reduced to 12 years R.I. Insofar as the sentence awarded under Section 3/181 of the Motor Vehicles Act, 1988 (M.V. Act) is concerned, the same has been left undisturbed.

4. The learned Counsel for the appellant has not questioned the sentence under the M.V. Act. Insofar as conviction and sentence under the NDPS Act is concerned, it has been argued that though commercial quantity of contraband is stated to have been recovered from a Bolero vehicle driven by the appellant but there is no material to show that appellant was in conscious possession of the contraband (i.e. 206.230 kg Ganja).

5. We do not accept the aforesaid submission as the appellant was driver of the vehicle and was its sole occupant. Moreover Section 35 of the NDPS Act raises a rebuttable presumption about the culpable mental state of the accused. There appears no worthwhile evidence to demonstrate that

the accused was not aware of the presence of contraband in the vehicle in his possession. In such circumstances, we do not find any error in the order of conviction passed by the Court of Session, affirmed by the High Court.

6. At this stage, the learned Counsel for the appellant submitted that to award sentence higher than the minimum prescribed, presence of certain aggravating factors, as envisaged in Section 32B of the NDPS Act, must be shown which are conspicuous by their absence in the instant case. It is submitted that appellant is a first offender, he has no previous criminal antecedents and, therefore, there was no reason to award punishment higher than the minimum prescribed, which is of 10 years R.I.

7. *Per contra,* learned Counsel for the respondent cited a recent decision of this Court in *Narayan Das vs. State of Chhattisgarh*[1] to contend that to award

1 [2025 INSC 872]

sentence higher than the minimum prescribed, the Court may take into consideration factors other than those specified in Section 32B of the NDPS Act. It is submitted that the appellant was driving a vehicle without a driving license, therefore, this could be a factor to award sentence higher than the minimum prescribed.

8. We have considered the submissions made before us.

9. In our view, driving a vehicle without a license may be a ground to punish the driver for an offence under the M.V. Act, as has been done in the present case, but that by itself would not be a ground to believe that the offender is involved in other illegal activities facilitating or facilitated by commission of the offence warranting punishment higher than the minimum prescribed in view of clause (f) of Section 32B of the NDPS Act.

10. In such circumstances and having regard to the fact that the appellant is a

first offender with no previous criminal antecedents, we are of the view that ends of justice would be served if his sentence is reduced to the minimum awardable under Section 20(b)(ii)(c) of the NDPS Act, which is of 10 years.

11. Accordingly, we partly allow the appeal and reduce the sentence awarded by the High Court from 12 years to 10 years R.I. under Section 20(b)(ii)(c) of the NDPS Act. Rest of the order passed by the High Court is affirmed.

12. Pending application(s), if any, shall stand disposed of.

……...J
[MANOJ MISRA]

……...J
[UJJAL BHUYAN]

New Delhi
November 25, 2025

ITEM NO.16 COURT NO.13 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 5036/2025
@ SLP(Crl) No. 12967/2025

MOH. KAMIL PATEL **Appellant(s)**

VERSUS

STATE OF CHHATTISGARH **Respondent(s)**

IA No. 197789/2025 - EXEMPTION FROM FILING O.T.

Date : 25-11-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) : Ms. Minakshi Vij, AOR

For Respondent(s) :
Mr. Atul Jha, Adv.
Mr. Abhishek Pandey, Adv.
Mr. Prashant Kumar Umrao, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The appeal is partly allowed in terms of the signed order which is placed on the file.

3. Pending application(s), if any, shall stand disposed of

(CHETAN ARORA) **(SAPNA BANSAL)**
ASTT. REGISTRAR-cum-PS **COURT MASTER (NSH)**