

**IN THE COURT OF SH. TARANJEET SINGH, PCS, JUDICIAL
MAGISTRATE 1ST CLASS, PHILLAUR(UID NO.PB0821).**

CNR NO. PBJLB10010672026

Challan No.NDPS- 59-2026

Date of Instt: 07.07.2026

Date of Decision: 23.07.2026

State

Versus

Beeru Ram son of Bhajan Lal R/o Village Dhuleta, P.S. Goraya, District
Jalandhar.

....Accused.

F.I.R No: 30 dated 04.02.2026

Under Section: 27-61-85 of NDPS Act

Police Station: Goraya

District Jalandhar.

Present: Sh. Prabhnoor Singh, APP for the State.
Accused Beeru Ram on bail with counsel
Sh. Gurjant Singh, Advocate.

JUDGMENT

1. The above named accused has been sent to face trial for commission of offence punishable under Section 27-61-85 of NDPS, by the Station House Officer, Police Station Goraya, District Jalandhar.

2. Brief facts of the prosecution story are that on 28.10.2025 ASI Sukhwinderpal along with other police officials were going from Village Dhuleta to Village Samrari in connection with patrolling and checking of bad elements and when police reached near Nehar Pulli then

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they saw one person sitting. On seeing the police party the said person got perplexed and tried to run away after throwing away the things which he was holding in his hand. ASI Sukhwinderpal with the help of police party apprehended the said person. On asking the said person disclosed his name as Beeru Ram. Thereafter, he was informed of his right that he has legal right to get himself and the belongings thrown by him checked by Magistrate or Gazetted Officer. Then, he inspired confidence in ASI Sukhwinderpal Singh that he can check him and his belongings. Thereafter ASI Sukhwinderpal in the presence of police party inspected panni, lighter and one rolled ten rupees currency note and found panni was stained with Heroin and was blacked. Thereafter, ASI Sukhwinderpal put the abovesaid articles into a polythene and thereafter put the same into a cloth bag and prepared a parcel and sealed the same with seal impression SP. Sample seal was prepared. Seal after use was handed over to Ct. Amit Kumar. Accused was arrested in the present case. Case property was taken into police possession. As the accused had committed an offence under Section 27-61-85 of NDPS Act. Ruqa was sent to the police station for registration of the FIR. On the basis of ruqa FIR was registered against the accused. Statement of witnesses were recorded. Site plan was prepared. Thereafter the case property and accused were produced before the SHO Goraya, who put his seal 'JP' on the case property. After the completion of investigation and other formalities, challan against the accused was presented in the Court.

3. On appearance before the Court, the accused was supplied the copies of documents, relied upon by the prosecution, as required under Section 230 BNSS (old 207 of Cr.P.C).

4. From the perusal of report under Section 193 (3) of BNSS and documents relied upon by the prosecution, a prima facie offence punishable under Section 27 of NDPS was found to be made out against the accused, for which the accused was charge sheeted, to which he pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined the following witness:-

(i) PW1 ASI Sukhwinder Pal, Investigating Officer.

Thereafter, Ld. APP for the State closed prosecution evidence, vide separate statement.

6. Statutory statement of the accused under Section 351 BNSS (old 313 of Cr.P.C) was recorded wherein the incriminating evidence appearing against the accused was put to him to which the accused stated that he is innocent and has been falsely implicated in the present case. The accused was given an opportunity to lead defence evidence but the accused opted not to lead any evidence in his defence.

7. Learned APP for the State has vehemently contended that on 04.02.2026 accused Beeru Ram was found consuming Heroin with the help of one lighter, one panni and one rolled ten rupees currency note and recovery of panni, lighter and one rolled ten rupees currency note was effected from the possession of the accused and same was taken into police possession vide recovery memo Ex. PW1/B. He further contended that the prosecution witness has proved each and every aspect of the prosecution case and his testimony remained uncontested and unchallenged on record. The evidence produced by the prosecution i.e oral corroborated by documentary evidence, the prosecution has been able

to prove the charge as framed against the accused. Hence, the accused be convicted and sentenced accordingly.

8. On the other hand, learned defence counsel has argued that the case of the prosecution cannot be said to be proved only on the basis of testimony of the official witness. The testimony of the prosecution witness has not found any corroboration from any independent witness. As such, no conviction can be based on the basis of testimony of official witness. Further no independent witness was joined by the police party at the time of recovery despite the fact that the place of recovery was a thoroughfare. Hence prayed that the prosecution has failed to bring home the guilt of the accused, the accused be acquitted from the charge framed against him.

9. I have given careful consideration to the respective contentions raised by the learned APP for the state and the learned counsel for the accused and have gone through the record and evidence on the file carefully.

10. In the present case, the charge against the accused is that he was found consuming Heroin with the help of one panni, lighter and one rolled ten rupees currency note. As such, the accused is liable to be punished under Section 27 of NDPS Act. In order to prove its case, the prosecution examined ASI Sukhwinder Pal, investigating officer of the present case, who proved on record the following documents :-

- (i) Notice under Section 50 NDPS Act Ex. PW1/A.
- (ii) Recovery memo Ex. PW1/B.
- (iii) Ruqa Ex. PW1/C.
- (iv) FIR Ex. PW1/D.

- (v) Endorsement regarding registration of FIR Ex. PW1/E.
- (vi) Site Plan Ex. PW1/F.
- (vii) Arrest-cum-intimation memo Ex. PW1/G.
- (viii) Personal search memo Ex. PW1/H.
- (ix) Dope Test Report Ex. P1.
- (x) Form no. 4 Ex. P2.
- (xi) Form no. 5 Ex. P3.
- (xii) FSL report Ex. P4.
- (xiii) Inventory Order Ex. P5.
- (xiv) Form no. 6 Ex. P6.
- (xv) Sample seal Ex. P7.
- (xvi) E-Sakshya certificate Ex. P8

11. Now from the perusal of record it is clear that the aforementioned witness has deposed in a straight forward manner and proved the entire case of the prosecution. The accused was given a fair opportunity to cross examine the prosecution witness, but failed to cross-examine and his cross-examination was treated as Nil. Even though in the case in hand it has been argued by the counsel for the accused that the accused has been falsely implicated in this case and it cannot be said that the case of the prosecution has been proved beyond the shadow of reasonable doubt on the basis of testimony of official witness only. But the said contention of the defence counsel does not hold much ground as no motive can be attributed to the prosecution witness for false implication of the accused and as such testimony of the prosecution witness cannot be ignored. No doubt, it is desirable to join an independent witness at the time of recovery but at the same time testimony of the

official witness cannot be disbelieved on the ground that no independent witness was joined, particularly when no enmity has been alleged or proved against the prosecution witness. Further, if the testimony of an official witness inspires the confidence of the Court, accused still can be convicted under the law. Further the investigating agency at the time of investigation produced the case property before the Magistrate for getting the same seen and the same was duly seen vide order dated 04.02.2026. Therefore with no stretch of imagination it can be perceived that there is any illegality on the part of the investigating agency which casts any doubt on the recovery effected from the accused. Further more the case property is a corroborative evidence and even if it is not produced in the Court it cannot be held to be fatal to the prosecution case as the case property was produced before the Magistrate and the same was seen vide order of the Court dated 04.02.2026. Therefore even if the case property was not produced in the Court, it will not affect the case of the prosecution as the magistrate in the order dated 04.02.2026 has clearly stated that the case property in shape of one parcel containing one panni, lighter and one rolled ten rupees currency note sealed with mark impression SP and JP seen and the seals were intact. So the possibility of tampering of the case property is ruled out. More over there are no material contradictions in the statement of the prosecution witness which in any manner would go to the root of the case casting even an iota of doubt on the story of the prosecution and minor discrepancies in the testimony of the prosecution witness is bound to happen but that will not affect the merits of the case.

12. All in all from the unrebutted and uncontested evidence led by the prosecution witness duly corroborated by documentary evidence it stands proved that the accused was found consuming Heroin with the help of one panni, lighter and one rolled ten rupees currency note from the accused has been duly proved on record. The dope test report i.e. Ex. P1, clearly shows that the accused at the time of his arrest was tested positive. Further as per the report of the Chemical Examiner i.e. Ex.P4 Diacetylmorphine (Heroin) was found in the parcel i.e. aluminum foil and the currency note. Moreover the accused has neither alleged nor proved any enmity with the prosecution witness, for his false implication in this case. Although it has been argued by the learned defence counsel that accused has been falsely implicated in this case, however, when the accused was given ample opportunities to prove his innocence, despite that he did not examine any witness in his defence. So, it cannot be said that there was any enmity of the accused with any of the police official, due to which the accused has been falsely implicated in this case by the police. The argument regarding false implication also deserves to be rejected this is the most common and general plea taken by the accused in the criminal proceedings. Unless a specific reason is given and explained for such false implication not much cognizance needs to be taken for such generic plea. The official witness is as much credible as are people from general public. Here, no reason is given or brought on record by the accused for such alleged false implication. To my mind this itself is sufficient to establish credibility of material witness.

13. Therefore in view of the above-said evidence produced and proved on record, this Court is of the confirmed view that through the

testimony of the aforesaid prosecution witness, the prosecution has established its case against the accused beyond reasonable doubt qua commission of offence punishable under Section 27 of NDPS Act.

14. In view of above-said evidence produced and proved on record, this Court is of the confirmed view that through the testimony of aforesaid prosecution witness, the prosecution established its case against the accused beyond reasonable doubt only qua offence punishable under Section 27 of NDPS Act. As such, the accused Beeru Ram is convicted thereunder. Let he be taken into custody and be heard on the quantum of sentence.

Pronounced in open court.
23.07.2026
Manmohan

Taranjeet Singh, PCS
Judicial Magistrate, 1st Class
Phillaur (UID No. PB0821)

QUANTUM OF SENTENCE

Present: Sh. Prabhnoor Singh, APP for the State.
Convict Beeru Ram in custody with counsel Sh. Gurjant Singh, Advocate.

15. I have heard the convict on the quantum of sentence. The convict prayed that he is first time offender and a poor person. Hence lenient view be taken.

16. On the other hand, the APP for the State prayed that as the guilt of the accused stands established, therefore the accused do not deserve any leniency.

17. After hearing the convict on the quantum of sentence and keeping in view the facts and circumstances and the nature and gravity of the offence involved, since the present FIR under Section 27-61-85 of NDPS Act was registered against the accused. As such this Court deems it appropriate to take a lenient view against the convict and instead of imposing sentence of imprisonment upon the convict, the convict Beeru Ram is ordered to pay fine of Rs.1000/- for having committed the offence under Section 27 of NDPS Act, failing which, he shall undergo SI for 15 days. Case property be disposed of under rules, after the expiry of period of appeal/revision, if any. Bail bonds of the convict stand discharged. Fine paid. Receipt issued. File be consigned to the Judicial Record Room, Phillaur.

Pronounced in open court.
23.07.2026
Manmohan

Taranjeet Singh, PCS
Judicial Magistrate, 1st Class
Phillaur (UID No.PB0821)