

**In the court of Manav, Judge, Special Court,
Ludhiana. UID No. PB0299**

CIS No. NDPS-410-2020
CNR No. PBLD01-008578-2020
Date of Decision: 09.07.2026

State

Versus

1. Sukhwinder Singh @ Bablu son of Major Singh r/o Sherpur Kalan, Sadar Jagraon, Ludhiana. **(Proclaimed Person)**
2. Jaswant Singh @ Bhatti son of Hakam Singh r/o Sherpur Kalan, Sadar Jagraon, Ludhiana.

.....Accused.

FIR No. 203 dated 23.09.2019
U/S 22 of NDPS Act,
Police Station Sadar Jagraon.

Present: Mr. Gurpal Singla, Addl. Public Prosecutor for State.
Accused Jaswant Singh on bail represented by counsel
Ms. Anju Khullar, Advocate.
Accused Sukhwinder Singh **(Proclaimed person)**

JUDGMENT

The accused had been sent to face trial for commission of offence punishable under Section 22 of Narcotics Drugs & Psychotropic Substances Act, 1985 (**NDPS Act**) by Station House Officer of Police Station Jagraon.

2. The allegations and charge against the accused are that on 23.9.2019 at about 4.10 p.m. in the area of Village Swadi Khurd within the ambit of PS Sadar Jagraon, **accused Sukhwinder Singh, since proclaimed person**, was found in conscious possession of 660 tablets containing salt Diphoxylate Hydrochloride and 510 loose intoxicant tablets containing salt Tramadol Hydrochloride without any permit of

licence, whereas **accused Jaswant Singh** was found in conscious possession of 50 loose intoxicating tablets containing salt of Alprazolam without any permit or licence. Accused were arrested. Statements of witnesses were recorded. On completion of investigation and receipt of RTFSL Report, challan was presented.

3. On appearance of accused, the copy of challan and documents attached thereto were supplied to accused as mandated under Section 207 Cr.P.C (then applicable and now 230 of BNSS).

4. After hearing learned Additional Public Prosecutor for State, learned defence counsel for accused and finding a prima facie case, charge for commission of offence under Section 22 NDPS Act was framed against accused, whereunto accused pleaded not guilty and claimed trial.

5. The case was fixed for prosecution evidence, wherein PW1 ASI Surjit Singh was partly examined. When case was pending for recording further evidence of prosecution witnesses, accused Sukhwinder Singh became absent and was declared proclaimed person. Whereas, accused Jaswant Singh showed his willingness to make a statement with regard to the offence. Accordingly, statement of accused was recorded.

6. Accused Jaswant Singh stated that he confess his guilt in this case qua the charge framed against him, for possession of 50 intoxicating tablets without any license or permit. That, he is confessing his guilt voluntarily without any pressure, undue influence or coercion from any side and fully understands that his statement can be used against him.

7. The confession of guilt, as suffered by accused Jaswant Singh appears to be voluntary, without any coercion or undue influence. It was

held in **Santosh Versus State of Kerala, 2003(3)-RCR-Criminal-Page 133** that it was open to an accused to withdraw his claim to be tried and plead guilty in the course of trial. No doubt, there was no specific provision in Cr.P.C. enabling the Court to permit an accused to withdraw his claim to be tried and convict him on a plea of guilty subsequently, but there was also no prohibition in the Cr.P.C. to record the plea of guilt in the course of trial and convict the accused on his subsequent admission of guilt. The charge against accused Jaswant Singh is of possessing **50 intoxicating tablets**. As per the report of RTFSL, forming part of challan and a per-se admissible document, the salt present in the tablets was '**Alprazolam**' and the average weight of each tablet **was 165 mg**. Accordingly, the total weight of the '**Alprazolam**' tablets recovered from accused comes to **8.2 grams**, which is **small quantity** as per entry at serial number 178 in the schedule providing for the small and commercial quantity of the narcotic drugs and psychotropic substances. Accordingly, on the basis of statement of confession suffered by accused, he is held guilty and convicted for commission of offence punishable under Section 22 of NDPS Act. Let accused be heard on question of sentence.

Pronounced in open court on this 09th day of July, 2026.

**Manav
Judge, Special Court,
Ludhiana. UID PB0299**

QUESTION OF SENTENCE

Present: Mr. Gurpal Singla, Addl. Public Prosecutor for State.
Convict Jaswant Singh in person represented by counsel
Ms. Anju Khullar, Advocate.

The accused through his counsel has pleaded that he is first offender and poor person. That he is only bread winner of his family. That, he has already undergone more than one month of custody in this case. Prayer has been made for taking a lenient view and releasing accused on probation.

2. Learned Additional Public Prosecutor for the State on contrary has pleaded that accused has committed a serious offence of possessing non commercial quantity of contraband and such offences are on rise. He prayed for imposing maximum sentence. However, no previous conviction or other similar case has been pleaded or proved.

3. The accused has been found guilty of possessing of non commercial quantity of tablets containing salt 'Alprazolam'. Such offences under NDPS Act are on a rise and are posing serious threat to society at large. Accordingly, the accused is held not entitled for leniency of release on probation. However, the mitigating factors pleaded by accused also do not warrant sending him again to jail. He has been in custody in this case from date of arrest i.e. 23.09.2019 to 23.10.2019. He has already undergone a custody of more than one month in this case. Moreover, he has been facing the protracted trial since September, 2019. Thus, no occasion arise for sending him again to jail as no purpose will be served and same will bring him in contact with other hardened criminals

and will take away his chance of reformation. Accordingly, in order to afford accused an opportunity of reforming himself by returning to social mainstream, for the offence under Section 22 NDPS Act, accused Jaswant Singh is sentenced to rigorous imprisonment for period already undergone by him and to pay fine of Rs.2000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 07 days. The period of imprisonment already undergone by the accused during investigation and trial be set off against substance sentence awarded. Case property be kept intact till the trial against co-accused Sukhwinder Singh, on his production in the court after arrest, who is a proclaimed person. Copy of this judgment be supplied to accused, free of costs. File be consigned to Judicial Record Room, Ludhiana.

Pronounced in open court on this 09th day of July, 2026.

**Manav
Judge Special Court,
Ludhiana, UID PB0299**

*Sourav , SG-III
This judgment has been directly typed on dictation.*