

In the Court of Navkiran Kaur, PCS, Judicial Magistrate 1st Class, Budhlada.

Case Type	Cha
Filing Number	1694/2024
Filing Date	03.09.2024
CNR No.	PBMNA1001707-2024
CIS No.	Cha-89-2024
Date of Decision	15.04.2026

State

Versus

Chamkaur Singh alias Channa son of Pala Singh, resident of Tahlian, Tehsil Budhlada, District Mansa.

.... Accused

**FIR No. 89 dated 18.07.2024
U/s 27/61/85 NDPS Act,
P.S., Boha**

Present:
Sh. Guriqbal Singh, Ld. APP for the State.
Accused on bail, represented by Sh. B. S. Dhaliwal, Advocate.

JUDGMENT: -

1. Introduction and Allegations

The above-named accused was sent to stand trial for the alleged commission of offence punishable under Section 27,61/85 of NDPS Act by the SHO, Police Station Boha.

2. Prosecution Case

The case of the prosecution is that on 18.07.2024, under the jurisdiction of PS Boha, accused was found positive with consumption of BZO, MOR and TML. Upon this, present FIR was registered at Police Station, Boha under Section 27 of NDPS Act. The accused was apprehended. During investigation, statements of prosecution witnesses under Section 161 Cr.P.C. were recorded. Upon completion of the investigation, the police presented a challan in the Court against the accused.

3. Compliance under Section 207 Cr.P.C.

Copies of challan and other relied upon documents were supplied to the accused free of cost as mandated under Section 207 Cr.P.C.

4. Charge Framing

Thereafter, the accused was charge-sheeted for the offence punishable under Section 27 of NDPS Act, to which he pleaded not guilty and claimed trial. The case was accordingly fixed for prosecution evidence.

5. Prosecution Evidence

To prove its case, the prosecution examined the following witnesses:

PW-1: ASI Hardev Singh. He deposed that on 18.07.2024, he alongwith police party were on patrolling and were present near Bus

stand, Mal Singh Wala, near Gurudwara Sahib, where he received secret information that Chamkaur Singh son of Pala Singh resident of village Tahlian is habitual of consuming narcotic drug and used to give narcotic drug to other persons and informer gave information regarding the identification of Chamkaur Singh and he also disclosed the location where Chamkaur Singh can be found i.e. at grain market Tahlian. Then we conducted raid at Grain Market and found one person namely Chamkaur Singh. He had consumed some narcotic drug. He was taken to SDH, Budhlada and got his medical examination conducted. He was found positive. Then he sent ruqa Ex. P1 through PHG Bhola Singh. FIR Ex. P2 was registered. Endorsement on ruqa Ex. P3. Accused was arrested vide memo Ex. P4 and his personal search was conducted vide memo Ex. P5, which were witnessed by ASI Krishan Lal and SC Sukhchain Singh. He has sent special report Ex. P6 to Illaqa DSP. He identified the accused.

PW-2: SC Kamalpreet Singh. He deposed that he has seen report under Section 57 of NDPS Act and proved the same as Ex. PW2/A and same is signed by Sh. Manjit Singh the then DSP, Budhlada and he identified his signatures at point A on the same.

PW-3: ASI Krishan Lal. He reiterated the version of PW-1 Investigating Officer and proved dope test report Ex. PW3/A.

6. Closure of Prosecution Evidence

After the examination of all the above witnesses and submission of documents, learned APP for the State closed the prosecution evidence.

7. Statement under Section 313 Cr.P.C.

After the closure of prosecution evidence, the statements of accused under Section 313 Cr.P.C. was recorded wherein all the incriminating evidence was put to him. He denied all allegations and pleaded innocence and false implication.

8. Closure of the defence evidence

Though the accused opted to lead defence evidence, he did not examine any witness and closed his defence evidence.

9. I have heard the learned APP for the State and the learned defence counsel and have perused the entire record carefully.

10. From the arguments advanced, the following point for determination arises in this case:

Point for Determination: Whether on 18.07.2024, under the jurisdiction of PS Boha, accused was found positive with consumption of BZO, MOR and TML, without any valid permit or license, and thereby committed an offence punishable under Section 27 of NDPS Act?

11. Learned APP for the State has contended that the prosecution has successfully established the guilt of the accused beyond a shadow of doubt and hence he deserves to be convicted.

12. On the other hand, learned defence counsel has argued that the prosecution has failed to prove the chain of custody and the recovery beyond reasonable doubt and that the accused has been falsely implicated.

13. After a careful and meticulous perusal of the entire record, including oral and documentary evidence, the Court finds that the prosecution has established its case against the accused beyond reasonable doubt. The evidence adduced by PW-1 ASI Hardev Singh and PW-3 ASI Krishan Lal is clear, cogent, and trustworthy. They have clearly established on record that accused was found positive for banned substance. Their testimony details the receipt regarding the habitual consumption of morphine by the accused, the apprehension of the accused, and the positive dope test conducted at SDH Budhlada. He proved the ruqa Ex. P1, FIR Ex. P2, endorsement over ruqa Ex. P3, arrest memo of accused Ex. P4 and personal search of accused Ex. P5. Further, PW-3 proved on record the dope test of accused Ex. PW3/A, which clearly established on record that accused was found positive for banned substance. Despite grant of due opportunity, the defence chose not to cross-examine these witnesses at all. Thus, their evidence remains un rebutted and stands accepted as correct, as per settled law that un rebutted testimony has to be given due weight.

14. The statements recorded under Section 313 Cr.P.C. show that the accused denied the allegations and pleaded false implication; however, his defence remained entirely silent on the matter of evidence, as he did not examine any witness to rebut the prosecution case, nor did he challenge the authenticity of the dope test report or the presence of the accused at the spot. No reasonable doubt has been raised either in cross-examination or through independent evidence to suggest that the prosecution story is fabricated. The conduct of the accused, the positive morphine test results clearly establish that the accused was consuming narcotic substance without any valid permit or license, in violation of Section 27 of the NDPS Act.

15. In light of the above, and considering that the defence has neither offered any credible explanation nor produced evidence in rebuttal, the Court finds that the opportunity for defence to challenge the prosecution case has been fully availed yet no substantive evidence or argument was presented. The prosecution has successfully proved all material ingredients of the offence under Section 27 of the NDPS Act. Accordingly, the Court holds that the accused Chamkaur Singh is guilty of the offence as alleged and deserves to be convicted.

Pronounced in Open Court on 15th, April 2026.

**Sandeep Kaur
Stenographer Gr-III**

**Navkiran Kaur
Judicial Magistrate 1st Class,
Budhlada (UID No. PB 0748)**

Navkiran Kaur, PCS,
JMIC, Budhlada
UID No. PB0748

Quantum of Sentence

Present:

Convict Chamkaur Singh on bail, represented by Sh. B. S. Dhaliwal, Advocate.

Ld. APP for the State.

1. Heard on the question of sentence. It is submitted by learned defence counsel that the convict is poor person, having family responsibilities, and that no recovery effected in the present case. It is further urged that he is first-time offender and not involved in any other case. Prayer has been made for taking a lenient view.

2. On the other hand, learned APP for the State has argued that the offence under the NDPS Act is grave in nature and calls for deterrent punishment.

3. This court having considered the rival submissions. Considering, that the present case pertains only to the consumption and no recovery of contraband was effected, a lenient view is justified. In such circumstances, awarding a sentence of fine would suffice to meet the ends of justice rather than imposing a custodial sentence.

4. Accordingly, convict is hereby sentenced to pay a consolidated fine of ₹1,000/- for the offences under Sections 27 of the NDPS Act. In default of payment of fine, each convict shall undergo simple imprisonment for two months. Fine paid. Bail bonds and surety bonds furnished by accused during the trial are discharged. Copy of the judgment, supplied to the convict as free of costs. Case property be

disposed of as per rules. File be consigned to the judicial record room,
Budhlada after due compliance.

Pronounced in Open Court on 15th, April 2026.

**Sandeep Kaur
Stenographer Gr-III**

**Navkiran Kaur
Judicial Magistrate 1st Class,
Budhlada (UID No. PB 0748)**

Present:

Ld. APP for the State.

Accused on bail, represented by Sh. B. S. Dhaliwal, Advocate.

Arguments heard.

Vide my separate judgment of even date, accused Chamkaur Singh is convicted and sentenced accordingly. Fine paid by convict. Bail bonds and surety bonds furnished by accused during the trial are discharged. Copy of the judgment, supplied to the convict as free of costs. Case property be disposed of. File be consigned to the judicial record room, Budhlada after due compliance.

Pronounced in Open Court on 15th, April 2026.

**Sandeep Kaur
Stenographer Gr-III**

**(Navkiran Kaur)
Judicial Magistrate 1st Class,
Budhlada (UID No. PB 0748)**