

**IN THE COURT OF MAHESH KUMAR SHARMA,
ADDL. SESSIONS JUDGE , AMRITSAR.
UNIQUE IDENTIFICATION CODE NO. (PB00289)**

CNR No. PBAS010216192019



Case No. SC/267/2026

Presented on : 21-10-2019

Registered on : 21-10-2019

Date of Decision : 02-04-2026

S T A T E

Versus.

1. Suraj Singh alias Baba son of Mangal Singh, r/o tenant, Mandir Wala Bazar, Gali No.7, Bajawali Kothi, Sultanwind Road, Amritsar.

2. Mandeep Singh alias Manna s/o late Satnam Singh, r/o H.No.96, Gali No.3, New Kapoor Nagar, Sultanwind Road, Amritsar. (**Proclaimed Person**)

.....Accused.

FIR No.103 dated 24.07.2016

U/ss : 22-61-85 of NDPS Act & Section 379/411
of IPC.

Police Station : B Division, Amritsar

Present :- Shri Sukhwant Singh, Addl. Public Prosecutor for State.
Accused Suraj Singh alias Baba in custody (produced)
represented by counsel.
Accused Mandeep Singh alias Manna **proclaimed person vide
order dated 27.01.2025.**

JUDGMENT

The accused named above have been sent up to stand trial by the SHO , P.S. B Division, Amritsar for an offence punishable under Sections 22 of the NDPS Act & Section 379, 411 of Indian Penal Code.

2. The prosecution case, in brief, is that on 24.07.2016 the police party headed by ASI Parshotam Lal while patrolling in the area of

Telephone Exchange, Amritsar, apprehended both the accused Suraj Singh alias Baba and Mandeep Singh alias Manna (proclaimed person) while they were riding on motorcycle Splendor bearing No.PB-02-AY-7828 coming from the side of Pataka Market, Amritsar. They tried to throw plastic bags carried by them in their hands after taking out of the pockets of their wearing pant, but they were apprehended by the police party. From the plastic bag recovered from accused Suraj Singh, 110 gram of intoxicant powder was recovered, whereas from the plastic bag carried by accused Mandeep Singh 130 grams of intoxicant powder was recovered. The accused could not produced any permit, license, bill and prescription slip for possessing the said intoxicant powder. The recovered intoxicant powder from the possession of both the accused, was put into separate plastic containers and converted into a separate parcels after drawing respective samples out of bulk quantity and sealed it with the seal bearing impression "PL". Sample seal impression was prepared separately. Accused were arrested vide arrest -cum-intimation memos. Their personal search was conducted and separate memos in this regard were prepared. The accused could not produce any document of ownership qua motorcycle and the same was found to be stolen one. On verification from the RTA office, the recovered motorcycle was found to be the ownership of one Kulwant Singh, who lodged FIR No.88/2016 u/s.379 IPC at P.S. B Division, Amritsar regarding theft of said motorcycle recovered from the accused. On return to the police station, case property was deposited in the police malkhana and accused was lodged in police lock up. On the next date, both the accused alongwith case property were

produced before the learned Illaqa Magistrate for convening the proceedings u/s.52-A of NDPS Act. One sample of 10 gram of intoxicant powder each so drawn, were sent to RTFSL, Amritsar for its chemical analysis. Statements of witnesses were recorded and after completion of investigation, challan against the accused was presented in the Court for the offence under Sections 21 of NDPS Act & Section 379, 411 of IPC.

3. On presentation of the challan copies of documents as required under Section 207 Cr.P.C were supplied to the accused free of costs. During the proceedings, **accused Mandeep Singh alias Manna** absented himself and his presence could not be procured despite issuance of non bailable warrants of arrest and ultimately proclamation proceedings u/s.82 of Cr.P.C were initiated against him and he was **declared proclaimed person vide order dated 27.1.2025.**

4. From the perusal of report under Section 173 Cr.P.C and documents annexed therewith a prima facie case under Section 21 of NDPS Act & Section 379, 411 of IPC made out against the accused Suraj Singh alias Baba and charge was framed against him accordingly. The contents of charge were read over and explained to the accused in his own language, to which accused pleaded guilty and did not claim trial.

5. Accused Suraj Singh alias Baba expressed his desire to confess the guilt vide his separate application moved in the court. The accused was apprised with the fact that he is not bound to make the confession and if he does so, it can be used against him as a piece of evidence. Even then the accused became ready to confess his guilt.

6. Accordingly, the accused Suraj Singh alias Baba confessed his guilty voluntarily, without any threat or coercion from any corner. In view of the confession made by the accused Suraj Singh alias Baba, he is held guilty of offence for possessing 110 grams of intoxicant powder containing salt Alprazolam without any valid license or permit on 24.07.2016 and as per report of RTFSL, 0.26 percent salt Alprazolam was found in the sample of 10 grams of intoxicant powder and as such, in the total quantity of 110 grams of intoxicant powder, the salt Alprazolam comes out to be 2.53 gram, which falls under non-commercial category and accordingly convicted under section 21 of NDPS Act, 1985. Further, the accused Suraj Singh alias Baba is also held guilty of offence u/s. 379, 411 of IPC. Let the convict be heard on the question of sentence.

**Pronounced in open Court
on 02.04.2026**

**(Mahesh Kumar Sharma)
Judge, Special Court,
Amritsar. *UID PB00289.***

*Naveen Kumar,
Stenographer-Gr.I*

This judgment has been directly dictated on the computer

QUESTION OF SENTENCE

Present :- Shri Sukhwant Singh, Addl. Public Prosecutor for State.
Convict Suraj Singh alias Baba in custody (produced)
represented by counsel.

I have heard the learned Addl.P.P for State and the learned counsel for the convict Suraj Singh alias Baba on the quantum of sentence. The learned Addl.P.P for the State argued that once the commission of offence stands fully proved on record, convict Suraj Singh alias Baba should be punished with the maximum punishment provided for those offences.

On the other hand, the convict pleaded that he is first offender and the only bread winner of his family. He further submitted that he has been in custody since long, therefore, a lenient view may kindly be taken. After hearing the learned Adll.P.P for State as well as convict in custody, I am of the considered opinion that this is the fit case where the convict can be sentenced to the period already undergone by him while in custody. As per report of Ahlmad, the convict remained in custody for a total period of about eight (08) months.

Accordingly, he is sentenced to the aforesaid period already undergone by him i.e 08 months and also to pay a fine of Rs.1000/-. In default of payment of fine, he shall further undergo simple imprisonment for a period of Two Weeks. **Fine not paid.** Case property, if any be dealt with as per rules after the expiry of period of limitation prescribed for filing the appeal or revision, if any. Bail/surety bonds of accused stands discharged. File complete in all aspects be consigned to Record Room.

**Pronounced in open court on
this 2nd day of April, 2026**

**(Mahesh Kumar Sharma)
Judge, Special Court,
Amritsar UID No. PB00289.**

*Naveen Kumar,
Stenographer-Gr.I*

This order has been directly dictated on the computer