



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

\*\*\*\*

247

CRA-S-1916-SB-2009

Date of Decision:-25.04.2025

BAGICHA SINGH AND ANOTHER

....Appellants

Vs.

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellants.

Mr. R.K. Takkar, Sr. DAG, Punjab.

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**DEEPAK GUPTA, J. (ORAL)**

Appellants were tried by Ld. Special Court, Ferozepur in a case arising out of FIR No.76 dated 10.04.2003 under Section 15 of the NDPS Act registered at Police Station Sadar Abohar, as they were found in possession of 10 Kg of Poppy Husk. After trial, the appellants were convicted under Section 15 of the NDPS Act vide judgment dated 23.07.2009 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹25,000/- each with default sentence of six months rigorous imprisonment each in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.
3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.
4. However as far as the impugned order of sentence is concerned it is noticed that appellants were sentenced for a period of three years and to pay fine of ₹25,000/- each with default sentence of six months each with rigorous



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imprisonment in case of non-payment of fine for keeping in possession of 10 Kg poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal appellant No.1 has already undergone actual sentence of 03 months and 10 days and involved in two other cases in which he has already been released on bail; that appellant No.2 has already undergone actual sentence of 02 months and 29 days and involved in one case in which he has already been released on bail and so, they deserve to be sentenced for the period already undergone by him.

6. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellants, instead of sending them behind bars in the company of hardened criminals.

7. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellants are sentenced to imprisonment for the period already undergone by them. As far as fine is concerned, it will remain same.

8. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellants will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

**(DEEPAK GUPTA)**  
**JUDGE**

**April 25, 2025**

*Pry*

Whether Speaking/reasoned	Yes
Whether Reportable	No