

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-313-SB-2016 (O&M)

Date of decision: 16.12.2017.

Joginder Singh @ Ginder

...Appellant

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Satish Kumar, Advocate for
Ms. Sumanjit Kaur, Advocate
for the petitioner.

Mr. Jaswinder Singh, Senior DAG Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. The appellant has been convicted under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985, and sentenced to undergo 01 year 06 months of imprisonment and to pay a fine of Rs. 15,000/- and in default to further serve rigorous imprisonment for 03 months.

2. The accused was found in conscious possession of 100 mls, which is approximately equal to 100 gms of intoxicating material containing Codeine Phosphate 9.4 mg/5 mls and such quantity seized falls below the commercial quantity as per schedule attached to the NDPS Act.

3. As per the custody certificate placed on the file, the actual period undergone is 10 months and 15 days before the appellant was

admitted to bail upon suspension of sentence vide order of this Court dated 30.03.2016 and in the facts and circumstances and not without looking into sentence of 1 ½ years spent over 10 months and 15 days in jail would, in the considered view of this court, be adequate and sufficient punishment and for the sentence to be treated as undergone.

4. The appeal is allowed. Since the appellant is on bail, his bail/surety bonds are discharged.

**[RAJIV NARAIN RAINA]
JUDGE**

16.12.2017

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Whether speaking/reasoned: ***Yes***

Whether Reportable: ***No***