

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

**Criminal Appeal No.S-866-SB of 2018 (O&M)
Date of Decision: August 10, 2018**

Raghubir Singh @ Kaka

.....APPELLANT(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Verma, Advocate
for the appellant (s).

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.

The appellant was sentenced to undergo rigorous imprisonment for two months and to pay a fine of ₹2000/- for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per case of the prosecution, appellant was apprehended on 04.09.2003 and 2 kg of poppy husk was recovered from his possession, which falls under small quantity of contraband.

Learned counsel for the appellant has not challenged the conviction of the appellant on merits and has requested for a lenient view regarding quantum of sentence. He has argued that appellant, at the time of offence, was around 40 years of age. He was not a previous convict and even after his release on bail in the year 2003, he has never indulged in the trade of contraband. At the most, it may be a case where he had kept in

possession petty quantity of poppy husk for his personal use.

Custody certificate produced on file shows that the appellant had undergone 15 days of imprisonment, out of total sentence of two months awarded to him.

Keeping in view the nature of offence, age and antecedents of the appellant; that he was not a previous convict and even after 2003, he has not indulged in any such activity, I find merit in the submission of learned counsel for the appellant. Consequently, the appeal is partly allowed. The judgment of conviction passed by the trial Court is upheld, whereas the sentence of appellant is reduced to the period of imprisonment already undergone by him. The sentence of fine is, however, maintained.

August 10, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***