

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRA-D-768-DB-2014

Kamaljeet Singh alias Kuldeep Singh

... Appellant

Versus

State of Haryana

... Respondent

2. CRA-S-2224-SB-2014

Amandeep Singh

... Appellant

Versus

The State of Haryana

... Respondent

Reserved on : 11.04.2019
Date of decision : 12.04.2019

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.L.S.Sekhon, Advocate
for the appellant in CRA-D-768-DB-2014.

Mr.G.S.Sidhu, Advocate
for the appellant in CRA-D-2224-SB-2014.

Mr. Vishal Garg, Addl.A.G. Haryana.

RAJIV SHARMA, J.

Since common questions of law and facts are involved in the
aforesaid two appeals, therefore these are taken up together and disposed of
by a common judgment.

2. These appeals have been instituted against the judgment and
order dated 29.04.2014 and 30.04.2014 rendered by the Additional Sessions

Judge, Sirsa in Sessions Case No.84-C of 2011, whereby appellant Amandeep Singh was charged with and tried for offences punishable under Sections 17 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “NDPS Act”) and under Sections 411, 468 and 471 of the Indian Penal Code (hereinafter referred to as “IPC”) while appellant Kuldeep Singh alias Kamaljeet Singh was charged with and tried for offences punishable under Section 27-A read with Section 17 and under Section 25 of the NDPS Act and under Sections 411, 468 and 471. They were convicted thereunder and sentenced as under:-

Name of convict	Under Sections	Imprisonment
Amandeep Singh	17 of NDPS Act	To undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1 lac and in default of payment of fine to undergo rigorous imprisonment for a period of one year.
	411 IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of three months.
	468 IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of three months.
	471 IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/- (Rupees five thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of one month.
Kamaljeet Singh alias Kuldeep Singh	17 of NDPS Act	To undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1 lac and in default of payment of fine to undergo rigorous imprisonment for a period of one year.
	27-A of NDPS	To undergo rigorous imprisonment for a period of twelve years and to pay a fine of Rs.1,50,000/- (Rupees one lac and fifty thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of one year and half years.
	411 IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of three months.

	468 IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of three months.
	471 IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/- (Rupees five thousand) and in default of payment of fine to undergo rigorous imprisonment for a period of one month.

All the substantive sentences were ordered to run concurrently.

3. The case of the prosecution in a nutshell is that on 23.01.2011 police had received information to the effect that accused Amandeep Singh was coming from Dabwali in a jeep bearing registration No.RJ-23UA-0628 with opium for delivering the same to co-accused Kamaljit Singh. SI Hira Singh constituted two raiding parties. SI Hira Singh sent intimation under Section 42 of the NDPS Act to the higher authorities. Thereafter he held *nakabandi*. PW Hira Singh was informed about the crossing of jeep at T point Salamkhera and coming towards Odhan. The jeep reached near T point Ghukianwali. PW Hira Singh stopped the jeep. In the meantime PW ASI Subhash Chander also came on the spot. The driver of the jeep disclosed his identity as Amandeep Singh. PW Hira Singh served a notice Ex.P18/A on accused Amandeep Singh regarding his right of search of jeep before a gazetted officer or a Magistrate. Accused Amandeep Singh gave option to be searched before a gazetted officer. After sometime DSP Babu Lal came on the spot. Jeep was searched. On search of jeep, a cavity was found underneath the driver seat and its adjoining seat. On search of that cavity, 11 polythene packets were found tied with jute string. All the packets were opened. These packets contained opium. Two samples of 10 grams each were separated from each packet and residue on weighment was found

to be 3 kgs in each packet including the weight of polythene. These were converted into separate parcels. All the parcels were sealed with seal 'HS' of PW Hira Singh and 'BL' of DSP Babu Lal. Ruqa Ex.PW19/A was sent. FIR Ex.PW19/B was registered. Rough site plan was prepared. Accused Amandeep Singh was interrogated. He disclosed that opium was brought by Kamaljeet. He was going to hand over the same to him. PW Hira Singh conducted raid for search of accused Kamaljit Singh. PW Hira Singh came to the police station. He deposited the case property before MHC. On 24.01.2011 Amandeep Singh was interrogated by PW Hira Singh. He made disclosure statement Ex.PW18/C. He reiterated that the opium belonged to accused Kamaljit Singh. He was employed as a driver. Case property was produced before the Illaqa Magistrate. Illaqa Magistrate passed the order Ex.PW19/G. The police went to the house of co-accused Kamaljit Singh. During investigation the registration number of jeep was found to be fake. The call details were taken into possession. Samples were sent to FSL, Madhuban. The investigation was completed. The challan was put up after completing all the codal formalities.

4. The prosecution examined a number of witnesses. Statements of appellants were recorded under Section 313 Cr.P.C. They denied the case of prosecution. The appellants were convicted and sentenced, as noticed hereinabove. Hence these appeals.

5. Learned counsel appearing on behalf of the appellants have vehemently argued that the prosecution has failed to prove the case against the appellants.

6. Learned counsel appearing on behalf of the State has supported the prosecution case.

7. We have heard learned counsel for the parties and have gone through the judgment and record very carefully.

8. It has come in the judgment that witnesses namely, Vijay Kumar Mechanic, Ravinder Kumar Chauhan, Rajesh Kumar Lower Division Clerk, Om Parkash ASI, Babu Lal DSP and witnesses namely HC Jai Bir Singh, E/ASI Om Parkash, E/ASI Umed Singh, Pohla Singh alias Bachittar Singh and Constable Chanchal Singh have been inadvertently numbered as PW1, PW2, PW3, PW4 and PW5 respectively. Hence in order to avoid confusion they were mentioned in the judgment by their specific name and number.

9. PW DSP Babu Lal deposed that he was present at his residence. He received notice under Section 42 of the NDPS Act Ex.PE from Hira Singh, SHO of Police Station Odhan. He reached T-point, Ghukanwali Raod. The vehicle was searched. There was cavity between the driver seat and adjoining seat of driver seat. 11 packets of polythene tied with a string were recovered. Two samples of 10 grams each were separated from each packet. All the samples were converted into parcels. All the packets were weighed separately. On weighment, each packet was found to be containing 3 kgs. of opium. All the 11 packets containing residue of opium were converted into parcels. All the sample parcels as well as residue parcels were sealed with the seal 'HC' of Hira Singh. He also affixed his seal bearing impression 'BL'. RC of the vehicle was also recovered. Jeep was also taken into possession. In his cross-examination, he deposed that accused Amandeep Singh was interrogated in his presence. He disclosed that he was employed as driver on that jeep by Kamaljeet Singh @ Kuldeep Singh.

10. Statement of PW DSP Babu Lal was duly corroborated by PW SI Subhash Chander. He deposed that on 23.01.2011 he was posted in Police Station Odhan. SHO Hira Singh received information that Amandeep Singh was coming from Dabwali in a jeep having opium. SHO Hira Singh formed two raiding parties. One party was headed by SHO Hira Singh and another party was headed by him. Notice under Section 42 NDPS Act (Ex.PE) was sent to the higher authorities by Hira Singh. Hira Singh held *nakabandi* at T point of village Ghukanwali Road, Odhan. He held *nakabandi* at T point Salamkhera. A jeep crossed T point Salamkhera. He chased the jeep along with raiding party. When they reached near the raiding party of Hira Singh, they saw that the jeep was intercepted by Inspector Hira Singh. The driver of the jeep disclosed his identity as Amandeep Singh. He identified the accused in the Court. Notice was served upon him. Amandeep Singh desired that search be made before a gazetted officer. Thereafter PW DSP Babu Lal, Dabwali reached at the spot. The vehicle was searched. One cavity was found underneath the driver seat and its adjoining seat. On search of cavity, 11 packets of opium were found. The packets were opened and two samples of 10 grams each were separated from all the 11 packets. These were put in a small polythene and converted into cloth parcels and sealed with the seal of 'HS' by Hira Singh. The bulk contraband was also converted into parcel. These were duly sealed. Jeep was also taken into possession. On 24.01.2011 Inspector Hira Singh interrogated accused Amandeep Singh. He suffered disclosure statement Ex.PW18/C. He disclosed that opium belonged to Kamaljit Singh resident of village Raghuana.

11. PW Inspector Hira Singh has corroborated the statement of PW

SI Subhash Chander the manner in which jeep was intercepted. All the codal formalities were completed on the spot. He had complied with Section 42 of the NDPS Act. The police conducted the raid at village Raghuana regarding search of accused Kamaljit Singh. On 24.01.2011 during the morning hours, he interrogated accused Amandeep Singh. During interrogation, he suffered disclosure statement Ex.PW18/C. He disclosed that opium belonged to Kamaljit Singh of village Raghuana. He was employed as a driver. He took the case property from the MHC and accused from lock up and produced the same before Illaqa Magistrate. He again interrogated accused Amandeep Singh. He suffered disclosure statement Ex.PD. Thereafter they proceeded to the house of accused Kamaljit Singh. He recorded the statement of Pohla Singh. He collected the records of the jeep by moving application Ex.PW7/A. In his cross-examination he deposed that the police party was fully armed with the weapons. It was night time. No one met him in the village. They did not go to the house of any Sarpanch, member panchayat and Namberdar of village. They did not try to break open the door of the house. He had also deposed that name of accused Kuldeep Singh came in the disclosure statement of Amandeep Singh. His name also figured in the secret information.

12. PW Pohla Singh deposed that he usually saw Kamaljit Singh @ Kuldeep Singh driving the jeep. It was usually parked in the garage of the house of Kamaljeet and Jagtar at village Raghuana. In his presence, accused Amandeep Singh demarcated the garage of accused Kamaljit's house in which he used to park the jeep.

13. PW Sukhbir Singh had produced the call details Ex.PW12/B and Ex.PW12/C.

14. PW Deepak Kumar, Nodal Officer had handed over the call details.

15. The case property was sent to FSL. The report is Ex.PX. It contained opium. The samples were not tampered with. PWs DSP Babu Lal and Subhash Chander have categorically deposed that only the vehicle was searched. Since the recovery was made from the jeep, Section 50 of the NDPS Act was not to be complied with.

16. Their Lordships of the Supreme Court in ***Navdeep Singh vs. State of Haryana, (2013) 2 Supreme Court Cases 584*** have held tht since the recovery was made from the scooter, Section 50 was not required to be complied with. Their Lordships have held as under:-

“10. We have carefully perused the provisions of the Section 50 of the Act. In our opinion, it may not be necessary to extract the whole provision. The Trial Court and the High Court have noticed the aforesaid submission made before us, at length. On marshalling of facts and appreciation of evidence, they have reached the conclusion that what was searched is the scooter and not the person of the appellant and, therefore, the provisions of Section 50 of the Act would not apply to the present case. We have also looked into the notice issued to the appellant by PW-3, the Investigating Officer, before the search was made and we note that a substantial question was put across the appellant as to whether he chooses to be searched by a Gazetted Officer or a Magistrate. The appellant accorded his consent to be searched by a Gazetted Officer. In fact, the appellant and the scooter were searched by a Gazetted Officer as per his request.”

17. Their Lordships of the Supreme Court in ***Kulwinder Singh and another vs. State of Punjab, (2015) 6 Supreme Court Cases 674*** have held

that once possession is found, accused is presumed to be in conscious possession. If accused takes a stand that he was not in conscious possession, he has to establish the same. Their Lordships have further held that Section 50 is not applicable to search of vehicle / container / bag / premises. Section 50 only applies in case of personal search of person. In this case, the bags containing poppy husk were seized from the truck in which the appellants were seating. Thus it is not a case of personal search. Their Lordships have further held that recovery of contraband was from truck. No independent witness was examined. However the evidence of official witnesses was found to be trustworthy and credible. Thus there was no reason not to rest conviction on basis of such evidence of official witnesses. Their Lordships have held as under:-

“16. The next ground of assail pertains to factum of conscious possession. The submission of the learned counsel for the appellants is that they were only moving in the truck and had no knowledge what the bags contained. As the evidence on record would show, two of the accused persons were sitting by the side of the driver and the rest of the accused persons were sitting on the body of the truck. 110 bags of poppy husk weighing 4180 kg were in the truck. At the instance of the police when the truck was stopped, had the appellant-accused no knowledge about the contents of the bags, they would not have run away from the spot. That apart, they absconded for few days from their village. They have not taken the plea that they were taking any lift in the truck and their

presence in the truck has been proven by the prosecution. It is not a small bag lying in the corner of the truck that the appellant-accused can advance the plea that they were not aware of it. In the instant case, there were 110 bags of poppy husk being carried in the truck. Their presence which has been proven, establishes their control over the bags. The circumstances clearly establish that they were aware of the poppy husk inside the bags and in such a situation, it is difficult to accept that they were not in conscious possession of the said articles.

17. *In this context reference to the decision in [Madan Lal v. State of H.P](#) 2003 7 SCC 465 would be fruitful wherein it has been held thus: (SCC p. 472, paras 22-25)*

“22. The expression ‘possession’ is a polymorphous term which assumes different colours in different contexts. It may carry different meanings in contextually different backgrounds. It is impossible, as was observed in [Supt. & Remembrancer of Legal Affairs v. Anil Kumar Bhunja](#) 1979 4 SCC 274 to work out a completely logical and precise definition of ‘possession’ uniformly applicable to all situations in the context of all statutes.

23. The word ‘conscious’ means awareness about a particular fact. It is a state of mind which is deliberate or intended.

24. As noted in [Gunwantlal v. State Of Madhya Pradesh . 1972 2 SCC 194](#) possession in a given case need not be physical possession but can be

constructive, having power and control over the article in the case in question, while the person to whom physical possession is given holds it subject to that power or control.

*25. The word ‘possession’ means the legal right to possession (see **Heath v. Drown** 1973 AC 498). In an interesting case it was observed that where a person keeps his firearm in his mother's flat which is safer than his own home, he must be considered to be in possession of the same. (See **Sullivan v. Earl of Caithness** 1976 QB 966.)”*

18. In [Dharampal Singh v. State Of Punjab](#) 2010 9 SCC 608, it has been ruled that the expression “possession” is not capable of precise and complete logical definition of universal application in the context of all the statutes. Recently, in [Mohan Lal v. State Of Rajasthan](#), 2015 6 SCC 222, after referring to certain authorities, this Court has held as follows: (Mohan Lal case, SCC pp. 238-39, paras 21-22)

“21. From the aforesaid exposition of law it is quite vivid that the term ‘possession’ for the purpose of section 18 of the ndps act could mean physical possession with animus, custody or dominion over the prohibited substance with animus or even exercise of dominion and control as a result of concealment. The animus and the mental intent which is the primary and significant element to show and establish possession. Further, personal knowledge as to the existence of the ‘chattel’ i.e the illegal substance at a particular location or site, at a relevant time and the intention based upon the knowledge, would constitute the unique relationship and manifest possession. In such a situation, presence and existence of possession could be justified, for the

intention is to exercise right over the substance or the chattel and to act as the owner to the exclusion of others.

22. In the case at hand, the appellant, we hold, had the requisite degree of control when, even if the said narcotic substance was not within his physical control at that moment. To give an example, a person can conceal prohibited narcotic substance in a property and move out thereafter. The said person because of necessary animus would be in possession of the said substance even if he is not, at the moment, in physical control. The situation cannot be viewed differently when a person conceals and hides the prohibited narcotic substance in a public space. In the second category of cases, the person would be in possession because he has the necessary animus and the intention to retain control and dominion.”

*19. In view of the aforesaid enunciation of law, once possession is found, the accused is presumed to be in conscious possession as has been held in [Ram Singh v. Central Bureau Of Narcotics](#) 2011 11 SCC 347. If the accused takes a stand that he was not in conscious possession, he has to establish the same, as has been held in *Dharampal Singh*. As the materials brought on record would show, the appellant-accused were sitting in the truck; their presence in the truck has been clearly established; and they had run away from the spot and absconded for some days from the village. It is proven that there were 110 bags of poppy husk in the truck and the appellant-accused were in control of the articles in the truck. Therefore, there can be no iota of doubt that they were in conscious possession of the same. In view of the aforesaid analysis, we do not find any force in the submission of the learned counsel for the appellants.*

20. *The next contention that has been raised by the learned counsel for the appellants relates to non-compliance with Section 50 of the NDPS Act. It is undisputed that the bags containing poppy husk were seized from the truck. Thus, it is not a case of personal search of a person. In [Megh Singh v. State Of Punjab](#), 2003 8 SCC 666, it has been held that Section 50 only applies in case of personal search of a person, but it is not extended to a search of a vehicle or a container or a bag or premises.*

21. *In [State Of H.P v. Pawan Kumar](#), 2005 4 SCC 350, it has been held that: (SCC pp. 359-60, paras 10-11)*

“10. We are not concerned here with the wide definition of the word ‘person’, which in the legal world includes corporations, associations or body of individuals as factually in these type of cases search of their premises can be done and not of their person. Having regard to the scheme of the Act and the context in which it has been used in the section it naturally means a human being or a living individual unit and not an artificial person. The word has to be understood in a broad commonsense manner and, therefore, not a naked or nude body of a human being but the manner in which a normal human being will move about in a civilised society. Therefore, the most appropriate meaning of the word ‘person’ appears to be—‘the body of a human being as presented to public view usually with its appropriate coverings and clothing’. In a civilised society appropriate coverings and clothings are considered absolutely essential and no sane human being comes in the gaze of others without appropriate coverings and clothings. The appropriate coverings will include

footwear also as normally it is considered an essential article to be worn while moving outside one's home. Such appropriate coverings or clothings or footwear, after being worn, move along with the human body without any appreciable or extra effort. Once worn, they would not normally get detached from the body of the human being unless some specific effort in that direction is made. For interpreting the provision, rare cases of some religious monks and sages, who, according to the tenets of their religious belief do not cover their body with clothings, are not to be taken notice of. Therefore, the word 'person' would mean a human being with appropriate coverings and clothings and also footwear.

11. A bag, briefcase or any such article or container, etc. can, under no circumstances, be treated as body of a human being. They are given a separate name and are identifiable as such. They cannot even remotely be treated to be part of the body of a human being. Depending upon the physical capacity of a person, he may carry any number of items like a bag, a briefcase, a suitcase, a tin box, a thaila, a jhola, a gathri, a holdall, a carton, etc. of varying size, dimension or weight. However, while carrying or moving along with them, some extra effort or energy would be required. They would have to be carried either by the hand or hung on the shoulder or back or placed on the head. In common parlance it would be said that a person is carrying a particular article, specifying the manner in which it was carried like hand, shoulder, back or head, etc. Therefore, it is not possible to include these

articles within the ambit of the word ‘person’ occurring in Section 50 of the Act.”

Similar view has been expressed in [Jarnail Singh v. State Of Punjab](#), 2011 3 SCC 521 and [Ram Swaroop v. State \(Government Of Nct Of Delhi\)](#) 2013 14 SCC 235.

22. *In view of the aforesaid, the submission that non-compliance with Section 50 vitiates the conviction, leaves us unimpressed.*

23. *The last plank of submission of the learned counsel for the appellants is that no independent witness has been examined to substantiate the allegation of the prosecution. It is worth to note that Labh Singh and Harvinder Singh have not been examined by the prosecution. The explanation has been offered that the investigating agency was of the view that they had been won over. The said explanation has been totally substantiated inasmuch as they have been examined as defence witnesses. In such a situation, no adverse inference can be drawn for non-examination of the said witnesses. That apart, the case of the prosecution cannot be rejected solely on the ground that independent witnesses have not been examined when, on the perusal of the evidence on record the Court finds that the case put forth by the prosecution is trustworthy. When the evidence of the official witnesses is trustworthy and credible, there is no reason not to rest the conviction on the basis of their evidence.*

In this regard, it is profitable to reproduce a passage from [State \(Govt. of NCT of Delhi\) v. Sunil](#) 2001 1 SCC 652 which reads as follows: (SCC p. 662, para 21)

“21. We feel that it is an archaic notion that actions of the police officer should be approached with initial distrust. We are aware that such a notion was lavishly entertained during the British

period and policemen also knew about it. Its hangover persisted during post-Independence years but it is time now to start placing at least initial trust on the actions and the documents made by the police. At any rate, the court cannot start with the presumption that the police records are untrustworthy. As a proposition of law the presumption should be the other way around. That official acts of the police have been regularly performed is a wise principle of presumption and recognised even by the legislature. Hence, when a police officer gives evidence in court that a certain article was recovered by him on the strength of the statement made by the accused it is open to the court to believe the version to be correct if it is not otherwise shown to be unreliable. It is for the accused, through cross-examination of witnesses or through any other materials, to show that the evidence of the police officer is either unreliable or at least unsafe to be acted upon in a particular case. If the court has any good reason to suspect the truthfulness of such records of the police the court could certainly take into account the fact that no other independent person was present at the time of recovery. But it is not a legally approvable procedure to presume the police action as unreliable to start with, nor to jettison such action merely for the reason that police did not collect signatures of independent persons in the documents made contemporaneous with such actions.”

24. *In the case at hand, the evidence is unimpeachable and beyond reproach and the witnesses cited by the prosecution can be believed and their evidence has been correctly relied upon by the trial*

court and the High Court to record a conviction. It is well settled in law that what is necessary for proving the prosecution case is not the quantity but the quality of the evidence.”

18. Huge quantity of opium was recovered from the cavity. Appellant Amandeep Singh knew throughout that he was carrying opium in the jeep. He had gone to Partapgarh in Rajasthan to bring the contraband financed by Kamaljit Singh @ Kuldeep Singh. He had knowledge of the fact that opium was planted in the secret cavity. This opium was to be delivered to appellant Kamaljit Singh @ Kuldeep Singh. Amandeep Singh had made disclosure statement to the effect that the opium was to be delivered to appellant Kamaljit Singh @ Kuldeep Singh. According to disclosure statement Ex.PD, the vehicle was handed over to him by accused Kamaljit Singh @ Kuldeep Singh. The appellant was using a jeep by displaying fake number. It has come in the statement Ex.PD that Amandeep Singh was in constant conversation with accused Kamaljit Singh @ Kuldeep Singh on telephone Nos.9050306530 and 7876461221. In disclosure statement Ex.PW18/C, Amandeep Singh disclosed that persons of Kuldeep Singh met him near Reliance Petrol Pump and took him to Partapgarh along with jeep and opium was put in the jeep from that place. He was asked to go back. The entire operation was financed by Kamaljit Singh @ Kuldeep Singh. Police has complied with Section 42 of the NDPS Act. The jeep was searched in the presence of DSP Babu Lal.

19. Learned counsel for the appellants have vehemently argued that no independent witness was joined at the time when search was carried out. It has come on the record that it was during night time. No independent witness would be available at night. The Court can

take judicial notice that people avoid to be cited as witnesses. Statements of officials witnesses inspire confidence. It has come on the record that in the secret information, name of accused Kamaldeep Singh @ Kuldeep Singh was mentioned. ASI Om Parkash has also deposed that accused Amandeep Singh was interrogated in his presence and he made the disclosure statement. PW Pohla Singh has specifically deposed that he used to see jeep parked in the garage of Kamaljit's house. In fact the jeep bearing No.RJ-20UA/1726 stood in the name of Ravinder Kumar Chauhan. PW Ravinder Kumar Chauhan deposed that he was the registered owner of jeep bearing No.RJ20UA/1726. It was stolen on 29.05.2009. FIR Ex.PW5/A was lodged. PW Bhushan Kumar deposed that as per record, mobile sim No.7876461221 was sold to Kamaljit Singh. PW Krishan Chand arrested accused Kamaljit Singh. There is no merit in the contention of learned Advocate appearing on behalf of the appellant Amandeep Singh that he was innocent since he was engaged few days before the incident on the meager salary of Rs.5000/- per month. The fact of the matter is that he knew about the contraband being carried by him to be delivered to Kamaljit Singh @ Kuldeep Singh. In view of Section 30 of the Indian Evidence Act, 1872, confession of co-accused can be used against other co-accused.

20. Their Lordships of the Supreme Court in ***Mohd. Khalid vs. State of W.B. (2002) 7 Supreme Court Cases 334*** have laid down following principles while explaining the scope and effect of Section 30 of the Evidence Act, 1872:-

“31. A confessional statement is not admissible unless it is made to the Magistrate under Section 25 of the Evidence Act. The requirement of Section 30 of the Evidence Act is that before it is made to operate against

the co- accused the confession should be strictly established. In other words, what must be before the Court should be a confession proper and not a mere circumstance or an information which could be an incriminating one. Secondly, it being the confession of the maker, it is not to be treated as evidence within the meaning of Section 3 of the Evidence Act against the non-maker co-accused and lastly, its use depends on finding other evidence so as to connect the co-accused with crime and that too as a corroborative piece. It is only when the other evidence tendered against the co-accused points to his guilt then the confession duly proved could be used against such co-accused if it appears to effect him as lending support or assurance to such other evidence. To attract the provisions of Section 30, it should for all purposes be a confession, that is a statement containing an admission of guilt and not merely a statement raising the inference with regard to such a guilt. The evidence of co-accused cannot be considered under Section 30 of the Evidence Act, where he was not tried jointly with the accused and where he did not make a statement incriminating himself along with the accused. As noted above, the confession of co-accused does not come within the definition of evidence contained in Section 3 of the Evidence Act. It is not required to be given on oath, nor in the presence of the accused, and it cannot be tested by cross-examination. It is only when a persons admits guilty to the fullest extent, and exposes himself to the pains and penalties provided for his guilt, there is a guarantee for his truth. Legislature provides that his statement may be considered against his fellow accused charged with the same crime. The test is to see whether it is sufficient by itself to justify the conviction of the person making it of the offence for which he is being jointly tried with the

other person or persons against whom it is tendered. The proper way to approach a case of this kind is, first to marshal the evidence against the accused excluding the confession altogether from consideration and see whether if it is believed, a conviction could safely be based on it. If it is capable of belief independently of the confession, then of course it is not necessary to call the confession in aid. But cases may arise where the Judge is not prepared to act on the other evidence as it stands even though, if believed, it would be sufficient to sustain a conviction. In such an event the Judge may call in aid the confession and use it to lend assurance to the other evidence. This position has been clearly explained by this Court Kashmira Singh v. The State of Madhya Pradesh, AIR (1952) SC 159. The exact Scope of Section 30 was discussed by the Privy Council in the case of Bhubani v. R., AIR (1949) PC 257. The relevant extract from the said decision which has become locus classicus reads as follows:

"Section 30 applies to confessions, and not to statements which do not admit the guilt of the confessing party. But a confession of a co-accused is obviously evidence of a very weak type. It is a much weaker type of evidence than the evidence of an approver which is not subject to any of those infirmities. Section 30, however, provides that the Court may take the confession into consideration and thereby, no doubt, make it evidence on which the Court may act but the section does not say that the confession is to amount to proof. Heady there must be other evidence. The confession is only one element in the consideration of all the facts proved in the case; it can be put into the scale and weighed with the other evidence. The confession of the co-accused

and be used only in support of other evidence and cannot be made the foundation of a conviction".

32. *Kashmira Singh's principles were noted with approval by a Constitution Bench of these Court Haricharan Kurnmi v. State of Bihar, [1964] 6 SCR 623. It was noted that the basis on which Section 30 operates is that if a person makes a confession implicating himself that may suggest that the maker of the confession is speaking the truth. Normally, if a statement made by an accused person is found to be voluntary and it amounts to a confession in the sense that it implicates the maker, it is to likely that the maker would implicate himself untruly. So Section 30 provides that such a confession may be taken into consideration even against the co-accused who is being tried along with the maker of the confession. It is significant however that like other evidence which is produced before the Court it is not obligatory on the Court to take the confession into account. When evidence as defined by the Evidence Act is produced before the Court it is the duty of the Court to consider that evidence. What weight should be attached to such evidence is a matter in the discretion of the Court. But the Court cannot say in respect of such evidence that it will just not take that evidence into account. Such an approach can however be adopted by the Court in dealing with a confession because Section 30 merely enables the Court to take the confession into account. Where, however, the Court takes it into confidence, it cannot be faulted. The principle is that the Court cannot start with confession of a co-accused person; it must begin with other evidence adduced by the prosecution and after it has formed its opinion with regard to the quality and effect of the said evidences, then it is permissible to turn to the confession in order to receive assurance to the conclusion of guilt which the*

judicial mind is about the reach on some other evidence. That is the true effect of the provision contained in Section 30. We may note that great stress was laid down on the so-called retraction of the makers of the confession. Apart from the fact that the same was made after about two years of the confession. PWs 81 and 82 have stated in Court as to the procedures followed by them, while recording the confession. The evidence clearly establishes that the confessions were true and voluntary. That was not the result of any tutoring, compulsion or pressurization. As was observed by this Court in Shankaria v. State of Rajasthan, (1978) CrL LJ. 1251, the Court is to apply double test for deciding the acceptability of a confession i.e. (i) whether the confession was perfectly voluntary and (ii) if so, whether it is true and trustworthy. Satisfaction of the first test is a sine qua non for its admissibility in evidence. If the confession appears to the Court to have been caused by any inducement, threat or promise, such as mentioned in Section 24 of the Evidence Act, it must be excluded and rejected brevi manu. If the first test is satisfied, the Court must before acting upon the confession reach the finding that what is stated therein is true and reliable. The Judicial Magistrate PWs. 81 and 82 have followed the requisite procedure. It is relevant to further note that complaint was lodged before the Magistrate before his recording of the confessional statement of accused Md. Gulzar. The complaint was just filed in Court and it was not moved. The name of the lawyer filing the complaint could not be ascertained either. This fact has been noted by the Designated Court.”

21. The vehicle had gone to Partapgarh at the instance of Kamaljit Singh @ Kuldeep Singh. Sim No.9050306530 was issued to Gurvinder Singh. He is none other than brother of Kuldeep Singh. The call details were

proved. Mobile No.7876461221 belonged to accused Kamaljit Singh. PW Sumit Kumar, Nodal Officer has proved the original customer application. There was regular conversation between accused Amandeep Singh and Kamaljit Singh @ Kuldeep Singh and brother of accused Kamaljit Singh @ Kuldeep Singh. Accused Kamaljit Singh has also denied the fact that accused Amandeep Singh was his driver. In case he was not employed as driver, there was no occasion for him to communicate with him. This fact was within his knowledge. He has to explain to it under Section 106 of the Indian Evidence Act. It has also come on record that accused Kamaljit Singh wanted to become millionaire in short span of time. The accused had also forged documents. The actual chassis number of jeep was CHNOMAIB CZ99K81J46386. It belonged to PW Ravinder Kumar Chauhan. The jeep was stolen. FIR was also registered. Accused have not explained as to how they came in possession of stolen property. The appellants were found in conscious possession of 33 kg. 220 grams opium without permit or licence. The prosecution has proved that the opium belonged to Kamaljit Singh @ Kuldeep Singh. It was brought by accused Amandeep Singh in the jeep in question.

22. The drug abuse is very serious issue. The drug abuse has broken the social fabric and has destroyed number of families. The main concern of the Court is that Charas, Heroin and artificial drugs should not be available in the State at all. It is intriguing to note that the students i.e. boys and girls are getting the prohibited drugs but the police is not in a position to catch hold of kingpins and peddlers. The focus of the entire police force should also be to catch hold of kingpins and to bring them to justice. The kingpins should also be booked under the provisions of the

Prevention of Money Laundering Act, 2002 to uproot this menace from the society.

23. The Parliament has enacted the Prevention of Money Laundering Act, 2002 (hereinafter referred to as "the Act" for short) to prevent money laundering and to provide for confiscation of property derived from, or involved in, money laundering and for matters connected therewith.

24. Money laundering has the meaning assigned to it in Section 3 of the Act. The scheduled offences are defined in section 2(y) of the Act as under:

- (i) the offences specified under part A of the Schedule; or
- (ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more; or
- (iii) the offences specified under Part C of the Schedule.

25. Section 3 provides that whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it as untainted property shall be guilty of offence of money-laundering. Punishment has been provided under Section 4 of the Act. Section 5 provides for attachment of the property involved in money-laundering. The Director or any other officer not below the rank of Deputy Director authorized by the Director for the purpose of this Section, if has reason to believe to be recorded in writing on the basis of material in his possession that any person is in possession of any proceeds of crime, and

such proceeds of crime are likely be concealed, transferred or dealt with in any manner which may reason in frustrating any proceedings relating to confiscation of such proceeds of crime under Chapter III, he may by order in writing, provisionally attach such property for a period not exceeding 180 days from the date of order, in such manner as may be prescribed. The composition of adjudicating authority is provided under Section 6 of the Act and adjudication is provided under Section 8 of the Act. Section 17 provides for search and seizure. The search of persons is provided under Section 18. The retention of the property is provided under Section 20.

26. Paragraph 2 of Part A of the Schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985 prescribes offences for contravention in relation to poppy straw, coca plant and coca leaves, prepared opium, opium poppy and opium, opium by cultivator, cannabis plant and cannabis, manufactured drugs and preparation and Psychotropic Substances etc. The Director, Directorate of Enforcement/ Additional/ Joint/Deputy or its delegates are directed to register cases against all the convicts, who are convicted under section(s) 15, 16, 17, 19, 20, 21, 22, 23, 24, 25-A, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 throughout the State of Haryana within a period of three months from today to curb the illegal transportation of narcotic drugs and psychotropic substances and also to prevent money laundering. The Principal Secretary (Home) to the Government of Haryana is also directed to issue directions to all the Investigating Officers throughout the State of Haryana to register cases against the person(s) under section 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, who are involved in financing, directly or indirectly in any of the activities specified under the

Act or harbours any person engaged in any of the activities as per the Act, to reduce the menace of drugs abuse in the society, immediately.

27. Hon'ble Delhi High Court in case WPCRL No. 2401 of 2017, in the case of ***Aasha Vs. State Government of N.C.T of Delhi and another*** has dealt with this issue in depth. The relevant paragraphs are as under :-

"4. CONTROL OVER SUPPLY CHAIN"

4.1 Setting up Narcotics Squad in each district: *The Commissioner of Police, Delhi has approved to constitute a Narcotics Squad in each district, which shall be supervised by an Inspector rank Officer, who in turn shall work under the supervision of ACP Operation. Each Squad shall have manpower of two Upper (S.Insp/ASI) and eight lower subordinates (H.Ct./Ct.). Once the man-power proposal pending with MHA is cleared, the strength of these squads will be increased appropriately. The Narcotics Squad and the local police shall immediately undertake the following work:*

a. Identification of hot spot of drugs sale: *Each Squad shall identify such area in the district in which there are complaints of sale of drugs or where the drugs addicts are found operating. Based on these information, the local police shall immediately take necessary steps to bust/apprehend such peddlers who are active in drugs trafficking.*

b. Identification of potential suppliers: *As a further action, such potential suppliers shall also be identified by Narcotics Squad as well as local police and action as per law will be taken against them.*

4.2 Action u/s 29 of NDPS Act against abettors &

conspirators: Action u/s 29 of NDPS Act for taking legal action against the abettors and conspirators, aiding the sale of drugs shall also be stepped up.

4.3 Identification of persons with previous convictions or pending cases for taking substantive as well as preventive actions: Each Police Station shall prepare database/record of all individuals, who were previously involved in NDPS Act cases or have pending cases registered against them under NDPS Act and requisite surveillance will be undertaken qua on them so that substantive as well as preventive actions can be taken against them.

4.4 Enhanced action under Section 77 JJ Act: Section 77 of Juvenile Justice Act prescribes punishment to offenders also for selling narcotics material to the juveniles. Action under this section shall be stepped up.

4.5 Regular visits to vulnerable schools identified by GNCT Agency to identify the peddlers: State Project Director5-SSA, Department of Education, GNCT of Delhi provides the list of vulnerable schools for monitoring and curbing availability and peddling the drugs and narcotics substances among school going children. Local police shall take proactive and ensure Zero Tolerance on this issue. All out efforts shall be made to identify such elements and in case any peddler is identified, immediate action against him will be taken.

4.6 Help from Drug Dept./GNCT by getting a Nodal Officers appointed at district level: Use of Pharmaceutical drugs specially the Habit Forming drugs (schedule H1) drugs are a real menace. Liaison with the Drug Dept. Is required to be for initiating action under the Drugs & Cosmetics and NDPS Act against the unscrupulous elements, who are involved in sale of Pharmaceutical product without prescription which is to be used as a narcotics substance.

4.7 Training session for police officers for capacity building and improving the investigation skills:

Regular training is required to be conducted for capacity building and improving the investigation as well as intelligence collection skills of the investigating officers with regard to detection and investigation of NDPS Act related cases. This is likely to have a deterrent impact on supply chain. Dy. Commissioner of Police/Narcotics Branch will hold regular training sessions in this regard.

4.8 Dy. Commissioner of Police/C.R.O. shall collate information on drug dealers to prepare a booklet which shall be circulated among all concerned for taking preventive as well as substantive action.

6. Mr. Mehra submits that in-so-far as enhanced action under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is concerned, the Delhi Police shall taken action keeping in view the 8 order passed by the Juvenile Justice Board – III on 20.03.2017, wherein the said Board has widely interpreted the expression “intoxicating liquor” to include substances such as whitener, thinner and vulcanizing solutions/sulochans. Mr. Mehra submits that the expression ‘intoxicating liquor’ used in Section 77 of JJ Act needs to be interpreted widely to include not just the traditionally understood liquors-which are consumed as alcoholic beverages, but also other liquids/fluids, which have the effect of intoxication and which may not be beverages per se. As at present, advised, we agree with the submission of Mr. Mehra, Keeping in view the purpose and object with which Section 77 of the JJ Act has been enacted, and considering the fact that the consumption of such like substances/intoxicating liquors by the children is with the object of deriving the effect of intoxication, and the children are not likely to be aware

of harmful effects of the liquid/fluids that they may consume, and also the fact that the same may not actually be a beverages, we are, prima facie, of the opinion that such like substances should be treated as “intoxicating liquor” within the meaning of Section 77 of the JJ Act.

7. Mr. Mehra stated that in terms of order passed by the Juvenile Justice Board III dated 20.03.2017, the Government of NCT of Delhi has issued a notification dated 28th July 2017 which, inter-alia, direct that a “mandatory warning should be made on the application devise (pens or otherwise) of correcting fluids/thinners and vulcanized solutions/sulochans regarding the effects on health on inhalation of vapour/consumption of chemicals contained therein”. The Government of NCT of Delhi, though the Chief Secretary was directed to issue appropriate instructions by way of notification, circular or otherwise, banning the sale of correction fluids/whiteners, thinners/diluters and vulcanised solutions/sulochans to children below the age of 18 years unless the child is accompanied by parents/guardians, or has a letter from the school authorities signifying their assent to purchase of the same.”

28. The Hon’ble Delhi High Court has considered the order of the Juvenile Justice Board-III dated 20.03.2017 wherein the Board had widely interpreted the expression “intoxicating liquor” to include substances such as whitener, thinner and vulcanizing solutions/sulochans. Their Lordships have held that whitener, thinner etc. are to be treated as “intoxicating liquor” falling within the ambit of Section 77 of the Juvenile Justice Act.

The Hon’ble Delhi High Court has also issued certain directions to the

Delhi Police to have a control over the supply chain.

29. According to National Policy on Narcotic Drugs and Psychotropic Substances, the drug addiction is increasingly becoming an area of concern as traditional moorings, effective social taboos, emphasis on self-restraint and pervasive control and discipline of the joint family and community are eroding with industrialization and urbanization. Both traditional and semi-synthetic and synthetic drugs are abused. Intravenous drug use and HIV/AIDS driven by such use have added a new dimension to the problem, especially in the Northeastern states of the country. The Policy has also addressed the issue of sale of drugs to schools children. It is highlighted in the policy that Local police shall pay special attention to areas surrounding schools and colleges in their efforts to tackle drug peddlers. Schools and colleges shall be encouraged to look out for peddlers in their vicinity and report them to police. Schools and Colleges shall be encouraged to conduct surveys. The issue of street peddlers has also been discussed in paragraph no. 52 quoted hereinabove. According to this paragraph, the peddlers sell drugs to addicts and often carry a small quantity of drugs at a time. Many of them are also addicts themselves and peddle drugs to earn for meeting their own requirement of drugs. Peddlers are the final link in the chain from manufacturer to addicts and hence an effective strategy is required to handle them.

30. The issue of smuggling of drugs in prisons has also been discussed in the Policy. Prison staff is required to be sensitized and trained in detecting and apprehending drugs. Prisons shall be equipped with sniffer dogs to check the visitors and packages for drugs. All addicts within the prison are to be registered and compulsorily sent for drug de-addiction etc.

31. Accordingly there is no merit in these appeals and the same are dismissed.

32. However before parting with the judgment, we issue following mandatory directions to the State of Haryana to eradicate the menace of drugs in the State of Haryana including on the analogy of the directions issued by the Hon'ble Delhi High Court in case WPCRL No.2401 of 2017, in the case of *Aasha vs. State Government of N.C.T. of Delhi and another:-*

1. The State Government is directed to launch special awareness drives to make the people aware of the ill-effects of drugs on the society. The Deputy Commissioner of the district shall be the Nodal Officer to make the citizens aware of the ill-effects of the drugs and controlling the same. The State Government shall make sufficient provisions for awareness drives through electronic media, print media, internet, radio television etc.

2. The State Government is directed to provide latest kits to the Investigating Officers to investigate the matters under the Opium Act, NDPS Act and other allied Acts and also to hold refresher course periodically to apprise the police personnel the procedure to be adopted while conducting investigation under the NDPS Act. The State of Haryana is directed to issue direction to the police department that complainant should not be I.O. to obviate bias.

3. The State Government through the Director General of Police is directed to register cases against the kingpins under the Prevention of Money Laundering Act, 2002 at the time of lodging the FIR under the NDPS Act and Opium Act and also, if necessary, by attaching their properties provisionally relating to supply of poppy straw, coca plant and coca leaves, prepared opium, opium poppy and opium, opium by cultivator, cannabis plant and cannabis, manufactured drugs and preparation and psychotropic substances including artificial drugs etc.

4. Since the drugs menace has attained alarming proportion, the State Government is directed to establish Rehabilitation Centers in each district of the State within a period of six months from today. The rehabilitation centers shall provide all the basic necessities to the inmates including boarding, lodging, counseling etc.

5. The State Government is directed to appoint one Psychiatrist for counseling in each Rehabilitation Center. The Counselor appointed in rehabilitation center shall also visit all the schools falling in his jurisdiction advising the students about the ill-effects of drugs.

6. All the educational institutions i.e. government run, government aided, private schools, minority institutions, are directed to appoint the senior-most teacher as the Nodal Officer to counsel the students on

every Friday of the month about the ill-effects of drugs.

In case, he finds any drugs abuse or symptoms, he shall be at liberty to summon the parents of students. The parents will be sensitized against the drugs abuse in parent-teacher meetings.

7. The State Government is directed to ensure to post one plain-clothes policeman from 8 AM to 6 PM around all the educational institutions to nab the drugs peddlers and kingpins. The local intelligence units are directed to keep a close watch on the shops including Dhabas, tuck shops, Khokas, tea stalls to ensure that the owners thereof are not permitted to indulge in the sale of drugs etc.

8. The Drugs Inspector while raiding the factories, industries, medical shops shall be accompanied by a person not below the rank of the DSP including the Gazetted Officer from the Food and Supplies Department.

9. The Superintendent of Police of the concerned district shall personally monitor all the cases registered under the Opium Act and the NDPS Act, 1985 to plug the loopholes during the course of enquiry and investigation to increase the conviction rate.

10. The Executive Magistrates and the Gazetted officers throughout the State shall be informed about their duties to be discharged under the NDPS Act more

particularly, under Section 50 and the latest law laid down by the Hon'ble Supreme Court of India and by this Court from time to time.

11. The Police Officers shall ensure that no minor is served any drugs, alcoholic beverages in any medical shops, bars, restaurants and through vend. No vend shall supply/sell the liquor to any minor. In the eventuality of liquor being supplied/sold to a minor, the licence issued for bar/vend shall be cancelled after putting them to notice. This direction shall be complied with by the police force as well as by the Excise Department. The concerned DSP shall visit every medical shop at least within 24 hours to check the supply of drugs to any minor.

12. The Director General of Police, State of Haryana, is directed to revamp, restructure and strengthen the special task force.

13. The District Anti Narcotics Cells shall be constituted within one month if not already constituted and shall immediately undertake the following tasks after their constitution:-

i). Each Anti Narcotics Cell is directed to identify such area in the district in which there are complaints of sale of drugs or where the drugs addicts are found operating based on these information, the local police shall immediately take necessary steps to bust/apprehend such peddlers who are active in drugs trafficking.

ii). As a further action, such potential suppliers shall also be identified by Anti Narcotics Cell as well as local police and action as per law should be taken against them.

iii). The Anti Narcotics Cell shall take action against the abettors and conspirators, aiding the sale of drugs as per Section 29 of the NDPS Act.

iv). Each Police station throughout State of Haryana shall prepare database/record of all individuals, who were previously involved in NDPS Act cases or have pending cases registered against them under NDPS Act and requisite surveillance will be undertaken qua them so that substantive as well as preventive actions can be taken against them.

v). The Director, Education is directed to provide the list of vulnerable Government schools, Government aided Schools, Public Schools and Minority Schools for monitoring and curbing availability and peddling the drugs and narcotics substances amongst school going children to the police authorities. Local police shall take proactive and ensure Zero Tolerance on this issue. All out efforts shall be made to identify such elements and in case any peddler is identified, immediate action shall be taken against him.

vi). The Anti Narcotics Cell shall take action against unscrupulous elements who are involved in sale of Pharmaceutical products without prescription which can be used as a narcotics substance.

vii). There shall be regular training for capacity building and improving the investigation as well as intelligence collection skills of the investigating

officer with regard to detection and investigation of NDPS Act related cases.

viii). The emphasis shall also be on the public schools. The Director Higher Education and Director School Education shall also visit the public schools. The free access shall be given to the Management to the School to the high ranking officers.

14. The State Government is directed to increase public awareness in the society. The Police shall be sensitized qua street peddlers. The Police shall be trained to deal with peddlers.

15. The State Government is directed to develop special, mobile, anti-peddling squads of police with jurisdiction of all over the cities and adjoining areas.

16. The State Government through the Secretary, Education is directed to include a mandatory and comprehensive chapter on drug abuse and illicit trafficking and its socio-economic effect to self, society and the country in the syllabus for 10+1 and 10+2 students.

17. The local police is directed to pay special attention to areas surrounding schools including Government Schools, Government aided Schools, Public Schools and Minority Schools, Colleges, Universities and Coaching Centres in their efforts to tackle drug peddlers.

18. The School Management, Principals and Teachers shall be encouraged and sensitized to look out for

peddlers in their vicinity and report them to police immediately.

19. All the schools throughout of State Government including Government, Government aided, minority institutions, public schools, Universities, colleges, Polytechnic colleges and Coaching Centres are directed to constitute anti-drug clubs to promote a drug free life amongst its members and also in the institution.

20. The State Government is also directed to sensitize the Prison staff in detecting and seizing drugs in prisons.

21. The Prisons shall be equipped with sniffer dogs to check the visitors and packages for drugs in the entry and exit points. All the addicts within the prison including open jail shall be registered and compulsorily sent for de-addiction.

22. Every prisoner entering in the prison shall be tested for addiction and shall be de-addicted if he is found to be addicted.

23. All the prisoners who are arrested in crimes before their production in a court by an arresting agency shall be examined by the Doctor and Doctor shall record their history or symptoms, if any of drug abuse. Wherever an arrested person shows signs of addiction, the police should take him to a doctor or a hospital to determine, if he is an addict, and if so, take measures to treat him.

- 24. There should be coordination amongst the school authorities, police authorities and hospitals/ rehabilitation centres.
- 25. The State is directed to strictly enforce Section 71 of the NDPS Act.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

April 12, 2019.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No