

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

CRM-A-2686 of 2019

Date of Decision: February 09, 2023

Union Territory of Chandigarh ...Appellant

Versus

Kavit Bisht ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sumit Jain, Additional PP, UT, Chandigarh
for the appellant.

DEEPAK GUPTA, J.(Oral)

Respondent has been acquitted by learned Sessions Judge, Chandigarh vide judgment dated 16.07.2019 in case FIR No.122 dated 25.03.2018 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mani Majra, Chandigarh, against which State has filed this appeal.

It is contended that benefit of doubt has been wrongly granted to the respondent. It is revealed that allegations against the respondent was that he was carrying one transparent polythene bag in his right pocket and on checking it was found to contain heroin i.e. the contraband. It is admitted position that compliance of Section 50 of the NDPS Act was not made. Once, it is so, acquittal has been rightly recorded because compliance of Section 50 of the NDPS is mandatory when the recovery was effected from the person of the respondent.

Hence, there is no merit in this petition and the same is hereby dismissed.

February 09, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No