



**218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRA-S-1860-SB-2018
Date of decision: 28.11.2025**

MASTAN ALI

....Appellant

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ritish Watts, Advocate for
Mr. Manbir Singh Batth, Advocate
for the appellant.

Mr. Gorav Kathuria, DAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. The present appeal is directed against the judgment dated 23.04.2018 passed by learned Special Court, Jalandhar vide which the appellant was held guilty and convicted for the offences under Sections 15 of NDPS Act and has been sentenced to undergo rigorous imprisonment for a period of six months for the offence under Section 15 of NDPS Act and he has also been held liable to pay fine of Rs.5000/-. In case of default of making payment of fine, he has been directed to undergo rigorous imprisonment for a period of 15 days.
2. Brief facts of the prosecution case are that on 28.09.2015 at about 08:10 PM, ASI Major Singh along with other police officials was on patrolling duty when he received secret information that Mastan Ali (appellant) was dealing



in the sale of intoxicants (poppy husk) and was coming towards Raipur Rasulpur from village Ballan side along the canal path to sell poppy husk. On the basis of this information, the police started checking vehicles and during the checking, one vehicle bearing registration No. PB-32-K-9146 was seen coming from village Ballan side along the canal berm. The vehicle was being driven by the appellant. On the basis of suspicion, a search was conducted and 10 kg of poppy husk was recovered from the said vehicle. The recovered contraband was converted into a parcel, sealed and taken into possession. Thereafter, appellant Mastan Ali was arrested. After completion of investigation, challan was presented against the accused for trial. The appellant was held guilty and convicted for the offence under Sections 15 of NDPS Act and has been sentenced to undergo rigorous imprisonment for a period of six months for the offence under Section 15 of NDPS Act.

3. Feeling aggrieved, the appeal in hand was instituted. Learned counsel for the appellant and learned State Counsel have been heard and material on file has been perused.

4. At the very outset, learned counsel for the appellant stated that he does not press the appeal on merits and has prayed for taking a lenient view on the question of sentence. Learned counsel contended that the appellant is facing the trial since the year 2015 and has faced the agony of trial since then. Out of the substantive sentence of six months awarded to him by the learned trial Court, he has already undergone sentence of 02 months and 22 days. Learned counsel further contended that the sentence awarded to the appellant may kindly be reduced to the period already undergone by him and he undertakes not to repeat



the offence in future.

5. Learned State counsel has opposed the prayer and has argued that no lenient view is warranted in view of the gravity of the offence and the manner in which the same was committed and he prayed that appeal in hand be dismissed.

6. The custody certificate placed on record by the respondent-State reveals that appellant has already undergone sentence of 02 months and 22 days. The incident took place in the year 2015 and he is facing the agony of trial since then. The appellant is not a previous convict and is the first offender and learned counsel for the appellant has undertaken that the appellant will not repeat the offence and will maintain peace and harmony in the society and in these circumstances, taking into consideration the fact that he is not a previous convict, I am of the considered opinion that ends of the justice will be met in case he is sentenced to the period already undergone by him i.e. 02 months and 22 days, instead of sending him behind bars in the company of hardened criminals and it is ordered accordingly. However, the sentence of fine imposed upon the appellant-convict is maintained.

7. The fine, if not already deposited, shall be deposited within a period of one month from today, failing which the modification in the quantum of sentence shall stand withdrawn and the appellant-convict shall undergo remaining period of sentence as awarded by the trial Court.

8. With the aforesaid modification on the question of sentence, the appeal in hand is dismissed.



9. Pending misc application (s), if any, shall also stand disposed of.

28.11.2025

Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No