

**IN THE COURT OF SPECIAL JUDGE TO TRY OFFENCES UNDER N.D.P.S ACT-
cum-I ADDITIONAL DISTRICT & SESSIONS JUDGE- cum- METROPOLITAN
SESSIONS JUDGE, VISAKHAPATNAM**

Present: **Smt. Siripurapu Sreedevi**,
Spl. Judge to try Offences under NDPS Act
-cum-Metropolitan Sessions Judge

Monday, this the 04th day of December, 2023

N.S.C.No.376/2022
(Cr.No.153/2021 of Nathavaram Police Station)

a)	The serial number of the case	: NSC.No.376/2022
b)	Date of commission of offence	: 11-08-2021
c)	Name of the Complainant, if any	: The State represented by the Sub-Inspector of Nathavaram Police Station
d)	Name of the accused, if any	: Muttu Swamy S/o Natarajan, 45 YEARS, Ambhupam Village, Nellore (R) Mandal, Nellore District.
e)	Offences complained of	: U/s.20 (b (ii) (B) r/w 8 (c) of NDPS Act, 1985
f)	Plea of the accused and his/their examination, if any	: Accused is pleaded not guilty.
g)	Finding of the court	: In the result, the accused is found not guilty and he is acquitted U/s.235 (1) Cr.P.C., for the charge under Sec. 20 (b) (ii) (B) r/w 8 (c) of Narcotic Drugs & Psychotropic Substances Act, 1985. The accused shall be released forthwith, if he is not required in any other case. MO-1 Eight Sample packets and MO.3 Four Sample packets shall be destroyed after the expiry of appeal time. MO-2 Cell phone shall be confiscated to State after expiry of appeal time.

This case is coming up on 01-12-2023 for final hearing before this court in the presence of Sri V.Govinda Rao, Special Public Prosecutor for trial of NDPS cases for the State and of Sri S. Srinivas, Advocate for the Accused and the matter having stood over for consideration till this day, this Court delivered the following:

:: J U D G M E N T ::

1. The Sub-Inspector of Nathavaram Police Station filed charge sheet against the Accused Muttu Swamy for the offence punishable U/s.20 (b) ii) (B) r/w 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "N.D.P.S. Act"), in Cr.No.153/2021 of Nathavaram Police Station and the brief case of prosecution is as follows:

2. On 11.08.2021 G. Vijaya Kumar, the Assistant Sub-Inspector of Nathavaram police station/PW.3 received information about illegal transportation of ganja and he informed the same to D. Sekharam, Sub-Inspector of Nathavaram Police Station/PW.5 and secured the present of two mediators B. Santha Kumari/PW.1 and G. Satyanarayana/LW.2 and rushed to Sarugudu Junction along with other staff at 6.50 a.m., and started conducting vehicle checking. At about 7.00 a.m., he found four persons while carrying bags and by looking at police, they tried to escape towards Bakulu. Then PW.3 apprehended them with the assistance of his staff. During interrogation, the accused Muttu Swamy and the three children-in-conflict-with-law disclosed their address particulars and confessed that they were transporting contraband in bags. Then PW.3 opened the bags in the presence of mediators and found that they contained leaves, seeds and stems with strong smell. PW.3 sent N. Bhanu Chandra, Home guard 514/LW.7 to secure measurer and weighing machine to weigh ganja bags. PW.3 recorded the confessional statement of the accused and three children-in-conflict-with-law separately. LW.7 N. Bhanu Chandra, Home Guard 514 brought the weighing machine and the measurer and PW.3 got the four ganja bags duly weighed and had drawn two samples from each bag and the total bags contained 19 kgs of ganja. He marked the samples as S1, P1, S2, P2, S3, P3, S4 and P.4 for chemical analysis and affixed the slips containing the signatures of mediators, accused, children-in-conflict-with-law and himself. They have no ganja in their person and so there was no need to conduct personal search under Sec. 50 of NDPS Act.

a) PW.3 seized one Cell phone IMEI No. 863982041247136/2001 from bag. All the properties were seized in the presence of mediators under the cover of mediators report and the accused and the three children-in-conflict-with-law were informed that carrying ganja illegally is an offence and drafting of

mediators report was commenced at 7.00 a.m., and concluded at 8.30 a.m. PW.3 brought the mediators report and A1 and the three children-in-conflict-with-law including four bags and mobile phone and handed them over to D. Sekharam, Sub-Inspector of Nathavaram Police Station/PW.5.

b) PW.5 registered the mediators report as a case in Cr. No. 153/2021 under Sec. 20 (b) (ii) (B) r/w 8 (c) of NDPS Act. During the course of investigation, PW.5 arrested the accused and produced him before the Court for remand. The Chemical Examiner M. Muni Swamy/LW.9 analyzed the sample packets and issued report by opining that the sample packets contained ganja. PW.5 conducted inventory and the Court issued Certificate. After completion of investigation, P. Lakshmi Narayana, Sub-Inspector of Nathavaram Police Station/LW.12 filed charge sheet against the accused.

3. Cognizance was taken under section 20 (b) (ii) (B) r/w 8 (c) of NDPS Act.

4. On appearance of the accused, copies of documents were furnished to him under section 207 of Cr.P.C. and the accused was examined under section 239 of Cr.P.C, for the accusation made against him under section 20 (b) (ii) (B) r/w 8 (c) of NDPS Act and the charge under section 20 (b) (ii) (B) r/w 8 (c) of NDPS Act was framed, read over and explained to him in Hindi and he pleaded not guilty and claimed to be tried.

5. During the course of trial, the prosecution examined as many as five witnesses on it's behalf as PWs 1 to 5 and exhibited Exs.P1 to Ex.P11 and MOs-1 to 3 were marked. The evidence of G. Satyanarayana/LW.2, P. Adinarayana/LW.5, M. S. Naveen/LW.6, N. Bhanuchandra/LW.7, A. Muniswamy/LW.9, N. Reddy Prasanna/LW.10 and D. Lakshminarayana/LW.12 was given up by the prosecution.

6. After the closure of prosecution evidence, Accused was examined U/s.313 of Cr.P.C., regarding the incriminating material placed against him for which he denied while reporting no defence evidence.

7. Now, the Point for determination is:-

Whether the prosecution proved the charge U/s. 20 (b) (ii) (B) r/w 8 (c) of NDPS Act against the accused?

POINT:-

8. The case of the prosecution is that on 11.08.2021 G. Vijaya Kumar, the Assistant Sub-Inspector of Nathavaram police station/PW.3 received information about illegal transportation of ganja, secured the presence of mediators and rushed to Sarugudu Junction and found four persons while carrying bags and by looking at the police, they tried to abscond towards Bakulu. Then PW.3 with the assistance of his staff apprehended the accused Muthu Swamy and the three children-in-conflict-with-law and during the course of their interrogation, they confessed that the bags contained ganja and based on their confessional statement 19 kgs of ganja was seized from their possession in the presence of mediators under the cover of mediators report.

9. The learned Special Public Prosecutor argued that the prosecution proved the charge against the accused by examining PW.3 and others and the evidence shows that PW.3 seized 19 kgs of ganja from the possession of accused and others based on their confessional statements in the presence of mediators and the prosecution followed the mandatory provisions while conducting search and seizure of ganja.

10. By way of reply, the learned counsel for the accused argued that the prosecution failed to prove the charge under Sec. 20 (b) (ii) (B) r/w 8 (c) of NDPS Act. He further argued that the prosecution failed to conduct search of accused

in the presence of a Gazetted Officer and so he must be given benefit of doubt for non-compliance of Sec. 50 of NDPS Act. He further argued that the witnesses who were examined by PW.5 did not state before him regarding the identification particulars of the accused and for the first time all the witnesses identified the accused before the Court at the instance of superior officers of Nathavaram Police Station and certainly, the accused must be given benefit of doubt. The counsel further argued that inventory said to have been conducted by PW.5 and Ex-P.11 photos that were taken do not show drawing of representative samples and it is fatal to the case of prosecution. He further argued that the alleged samples drawn in the presence of Magistrate were not transmitted to expert for analysis and so for non-compliance of statutory provisions, the accused must be given benefit of doubt.

11. To fasten the liability against the accused for the charge under Sec. 20 (b) (ii) (B) r/w 8 (c) of NDPS Act, the prosecution has to prove that the accused was found in conscious possession of ganja when he was apprehended along with three children-in-conflict-with-law. The prosecution must further prove that it had strictly complied all the mandatory provisions envisaged under NDPS Act during the search and seizure and the Hon'ble Apex Court and Hon'ble High Court of Andhra Pradesh held in number of cases that all the mandatory provisions shall be strictly complied with in view of stringent punishments provided under the Act.

12. In **STATE OF DELHI Vs. RAM AVTAR @ Rama** ¹ wherein their Lordships of Honourable Apex Court held as follows:

"It is a settled canon of criminal jurisprudence that when a safeguard or a right is provided, favouring the accused, compliance there to should be strictly construed. The theory of 'substantial compliance' would not be applicable to

¹ AIR 2011 SC 2699

such situation, particularly where the punishment provided is very harsh and is likely to cause serious prejudices against the suspect. The safeguard cannot be treated as a formality but it must be construed in its proper perspective.

13. Therefore, as held by their lordship in the above referred decision, mere compliance is not sufficient but strict compliance of all the provisions under NDPS Act, 1985 is essential to fasten the liability against the accused."

14. The evidence of G. Vijaya Kumar, the then Assistant Sub-Inspector of Nathavaram Police Station/ PW.3 shows that on 11.08.2021 he received information from superior officers about illegal transportation of ganja, secured the presence of mediators and proceeded to Sarugudu Junction along with his staff and mediators and started conducting vehicle checking and found four persons i.e., accused and three others and that they tried to escape by looking at them. Regarding the receipt of information, the learned counsel for the accused cross-examined him and PW.3 stated that he was informed about the transportation of ganja over phone by his superior officer and that he doesn't remember whether he stated before the SI about the communication of information to him over phone by his superior officer. He admitted that his 161 Cr.P.C., statement shows that he received reliable information and that it doesn't show that he received information from his superior officer. On perusal of Ex-P.1 Mediators Report, dt.11.08.2021 it shows that the ASI/PW.3 received information through his Superior officer about illegal transportation of ganja from Bakuluru Village to Vedurupalli. There is no evidence that PW.3 communicated the said information to his immediate superior officer.

15. Sec. 42 of NDPS Act contemplates that the Officer who receives information shall send the copy of information in writing within 72 hours to his

immediate official superior. In **Karnail Singh Vs. State of Haryana**² wherein their lordships of Hon'ble Apex Court held at Para No. 17 as follows:

(a) The officer on receiving the information of the nature referred to in sub-section (1) Sec. 42 from any person had to record it in writing in the concerned Register and forthwith send a copy to his immediate official superior, before proceeding to take action in terms of clauses (a) to (d) of Sec. 42 (1).

16. In the instant case, PW.3 stated that he made an entry in General Diary but the copy of General Diary was not filed before the Court as seen from the evidence of PW.3. Therefore, it clearly shows that PW.3 had not furnished the information in writing to his superior officer and thereby the prosecution failed to comply Sec. 42 of NDPS Act.

17. PW.3 further stated in his evidence that he interrogated the accused Muthu Swamy and three others in the presence of mediators and they disclosed their identity and they were found in possession of four bags. He further stated that he searched the bags and they contained loose ganja and he secured the presence of weigher and in the presence of weigher, he got the ganja in four bags duly weighed and the four bags contained 19 kgs of ganja and the accused was found in possession of 4.5 kgs of ganja from out of 19 kgs. He further stated that he informed the accused that the personal search of the accused and others has to be conducted in the presence of a Gazetted Officer and that they did not give their consent. In cross-examination he admitted that he did not serve notice under Sec. 50 of NDPS Act on the accused. In **Ashok Kumar Sharma Vs. State of Rajasthan**³ wherein their lordships of Hon'ble Apex Court held as follows:

"The fact that the accused person has a right under Sec. 50 of the NDPS Act to be searched before a Gazetted Officer or a Magistrate was not made known to him. We are of the view that there is an obligation on the part of the empowered

2 2009 CrL.J. Page 4299

3 2013 Supreme (SC) Page 51491

officer to inform the accused or the suspect of the existence of such right to be searched before a Gazetted Officer or a Magistrate if so required by him”.

18. In the instant case, except the evidence of PW.3, there is nothing on record to show that the present accused was informed about his right to be searched before a Gazetted Officer. Similarly the mediator B. Santha Kumari/PW.1 whose evidence is on the similar lines to the evidence of PW.3, admitted in the cross-examination that no notice was served upon the accused to conduct his search before a Gazetted Officer. Similarly PW.4 the then Home Guard whose evidence is on similar lines to the evidence of PW.3 stated in the cross-examination that he doesn't know whether notice under Sec. 50 of NDPS Act was filed before the Court or not. Therefore, the prosecution failed to comply one of the mandatory provisions i.e., Sec. 50 of NDPS Act.

19. PW.3 further stated in his evidence that he gave marking to the bags as Bag 1 to Bag 4 and from all the four bags, he had drawn four samples each weighing 50 gms and marked them as S1 to S4 and had also drawn four samples to keep them in police station and marked them as P1 to P.4. It shows that PW.3 had drawn eight samples and that a mediators report was drafted showing the entire process of search and seizure. He also stated that the identity slips were affixed on sample packets and brought the accused, samples and property to police station along with mediators report. In the cross-examination PW.3 admitted that four sample packets from out of eight sample packets do not contain the marking as P.1 to P.4. PW.1 also stated in her evidence about drawing eight samples i.e., MO.1 and PWs 1 and 3 admitted that MO.1 sample packets do not contain the date. Nowhere in the evidence, PWs 1 to 3 stated that the samples were duly packed and sealed. Ex-P.1 mediators report shows that eight samples were drawn i.e., 2 samples from each bag and it doesn't show that the samples were duly packed and sealed.

20. In ⁴ **Kallu Seikh vs State Of Bihar** their lordships of Hon'ble High Court of Patna held as follows:

"If there was no sealing as per the provision of Section 55 of the Act at the time of the substance being kept in the Malkhana one could not be certain about it that the same substance remained there throughout till it was produced in court." and this judgment of Patna High Court was followed in the subsequent judgment also i.e., in ⁵ **Ramprakash Giri Vs. State of Bihar** wherein, the Honourable High Court of Patna held as follows:

"failure on the part of prosecution to prove proper sealing of the seized articles is fatal to the prosecution case. No doubt, Section 55 of N.D.P.S. Act is directive in nature and non compliance of Section 55 of N.D.P.S. Act is not ipso facto fatal to the prosecution case but after considering the totality of present case, I am of the definite opinion that failure on the part of P.W.5 and P.W.6 to seal the seized articles properly in accordance with the provision of N.D.P.S. Act is fatal to prosecution case and the appellant is entitled to get the benefit of doubt."

21. In the instant case also in the absence of recitals in Ex-P.1 Mediators report and in the absence of evidence regarding proper packing and sealing, certainly the accused must be given benefit of doubt as PW.3 and other witnesses are not specific in their evidence that proper packing and sealing was made to the samples or the contraband that was seized.

22. PW.3 further stated in his evidence that he brought the property, samples and accused to the police station and handed them over to PW.5. The evidence of PW.5 D. Sekharam, the then Sub-Inspector of Nathavaram Police Station shows that PW.3 apprehended the accused and seized the ganja in the presence of mediators as he was engaged in other duty and PW.3 brought the accused,

4 2002 (4) PLJR 787

5 2013 Criminal Law Journal Page 2724

four bags of ganja, eight samples and one cell phone to police station and he registered the mediators report as a case in Cr. No. 153/2021 under Sec. 20 (b) (ii) (B) r/w 8 (c) of NDPS Act and he exhibited Ex-P.3 FIR in Cr. No. 153/2021.

23. PW.5 further stated that he rushed to scene of offence and drafted Ex-P.4 Rough Sketch, examined PW.3 and others and recorded their statements. He further stated that he informed his superior officer about the seizure of ganja and sent the accused to the Court for judicial custody and the three children-in-conflict-with-law to observation home. His evidence shows that he sent eight samples for analysis to Chemical Examiner, Regional Proh. & Excise Laboratory, Visakhapatnam. He exhibited Ex-P.5 letter addressed to Chemical Examiner, dt.01.10.2021, Ex-P.6 Laboratory analysis report, dt.30.11.2021, Annexure - II/Ex-P.7 and Annexure - I/Ex-P.8 and also exhibited Ex-P.9 Certificate including Ex-P.10 letter of Advice and Ex-P.11 photographs. In the cross-examination PW.5 admitted that S1 to S4 marking was given to four samples covered by MO.1 while the remaining four samples were not given any marking.

24. PW.5 admitted that MO.1 sample packets do not contain the date, time and weight of samples. He also admitted that the samples that were drawn before Additional Judicial First Class Magistrate, Narsipatnam were not sent to expert for analysis. He further stated that MO.3 consisting of four samples were drawn in the presence of Magistrate. He admitted that the samples that were drawn before Additional Judicial First Class Magistrate, Narsipatnam were not transmitted to expert. Ex-P.5 is the letter addressed to the Chemical Examiner but the contents of Ex-P.5 show that PW.5 addressed the same to his superior officer requesting to send the material objects to Chemical Examiner. Ex-P.6 is the Laboratory Analysis report and it shows that the samples S1 to S4 at Serial No. 20849 to 20852 are ganja. Ex-P.7 is the Annexure-II whereunder the D. Sekharam, Sub-Inspector of Nathavaram PS/PW.5 requested the Additional

Judicial First Class Magistrate, Narsipatnam to allow the application under Sec. 53-A of NDPS Act so that the seized drugs or psychotropic substances can thereafter be disposed off as per Sec. 52-A while retaining the certificate, photographs and samples as primary evidence and requested the Court to allow him to draw representative samples at the presence of officer and to certify the correctness of the samples so drawn and also requested the Magistrate to permit him to take photographs of drugs and substances in the inventory and to certify the correctness of the photographs while enclosing the inventory of seized narcotic drugs/psychotropic substances. Ex-P.8 shows that PW.5 produced four bags of ganja marked as B1 to B4 and the total weight is shown as 19 kgs. Ex-P.9 shows that the Additional Judicial First Class Magistrate, Narsipatnam certified the correctness of inventory, enclosed photographs and the list of samples drawn at his presence. However, the certificate doesn't show as to how many samples were drawn and there is no list showing the number of representative samples that were drawn.

25. Sec. 52 of NDPS Act speaks that *"where any Narcotic drugs, psychotropic substances, controlled substances or conveyance has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under Sec. 53, the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyance containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs, psychotropic substances, controlled substances or conveyances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application for the purpose of preparing inventory"*.

26. In the instant case, the certificate doesn't show that the seized articles were duly packed and sealed. The certificate doesn't show the mode of packing of contraband relating to the description and the manner of packing etc. Though PW.5 produced the representative samples, there is nothing on record showing the number of samples and the quantity of ganja contained in each representative samples as stated by PW.5. Though the prosecution conducted inventory under Sec. 52-A (iii) of NDPS Act, the evidence of PW.3 doesn't show proper packing and sealing of contraband. PW.3 had not given information to his immediate superior officer regarding illegal transportation of ganja. Similarly merely because PW.3 stated that the accused was informed about his right to be searched before a Gazetted Officer, in the absence of proof it cannot be inferred that he complied mandatory provisions. The prosecution failed to prove the charge against the accused for want of communication of information in writing to his immediate superior officer within 72 hours and failure to inform about the right of accused to be searched before a Gazetted Officer etc. The accused shall be given benefit of doubt. Accordingly this point is answered against the prosecution.

27. In the result, the accused is found not guilty and he is acquitted U/s.235 (1) Cr.P.C., for the charge under Sec. 20 (b) (ii) (B) r/w 8 (c) of Narcotic Drugs & Psychotropic Substances Act, 1985. The accused shall be released forthwith, if he is not required in any other case. MO-1 Eight Sample packets and MO.3 Four Sample packets shall be destroyed after the expiry of appeal time. MO-2 Cell phone shall be confiscated to State after expiry of appeal time.

Dictated to the Stenographer - Gr. I, transcribed by her, corrected and pronounced by me in open Court this the 04th day of December, 2023.

Sd/- S. SREEDEVI
**SPECIAL JUDGE TO TRY OFFENCES UNDER
NDPS ACT-CUM-METROPOLITAN SESSIONS
JUDGE-I ADDL. DISTRICT & SESSIONS JUDGE:
VISAKHAPATNAM**

APPENDIX OF EVIDENCE**Witnesses examined****For Prosecution:**

PW-1 : B. Santha Kumari
PW-2 : Sayyad Ameer
PW-3 : G. Vijay Kumar
PW-4 : A. Varahalababu
PW-5 : D. Sekharam

For Defence:

-NONE-

DOCUMENTS MARKED**For Prosecution:**

Ex.P1 : Mediators Report
Ex.P2 : Letter addressed to Thasildar, Nathavaram
Ex.P3 : Original FIR in Cr. No. 153/2021
Ex.P4 : Rough Sketch
Ex.P5 : Letter addressed to Chemical Examiner
Ex.P6 : Laboratory Analysis Report
Ex.P7 : Annexure - II
Ex.P8 : Annexure - I
Ex.P9 : Certificate under Sec. 52 (A) (iii) of NDPS Act
Ex.P10 : Letter of Advice
Ex.P11 : Two photographs

For defence:

NONE

Material objects marked

MO.1 : 8 Sample Packets
MO.2 : One Cell Phone
MO.3 : 4 Sample Packets

Sd/- S. SREEDEVI
SPECIAL JUDGE TO TRY OFFENCES UNDER
NDPS ACT-CUM-METROPOLITAN SESSIONS JUDGE-
I ADDL.DISTRICT & SESSIONS JUDGE: VISAKHAPATNAM.

CALENDAR & JUDGMENT

IN THE COURT OF SPECIAL JUDGE TO TRY OFFENCES UNDER N.D.P.S ACT-cum-
I ADDITIONAL DISTRICT & SESSIONS JUDGE- cum- METROPOLITAN SESSIONS JUDGE,
VISAKHAPATNAM

Present: **Smt. Siripurapu Sreedevi**,
Spl. Judge to try Offences under NDPS Act
-cum-Metropolitan Sessions Judge

Monday, this the 04th day of December, 2023

N.S.C.No.376/2022
(Cr.No.153/2021 of Nathavaram Police Station)

- (1) the Serial number of the case : NSC No.376/2022
- (2) Name of the Police station & Crime No., of offence : The State represented by the Sub-Inspector of Nathavaram Police Station
- (3) Description of the accused : **Muttu Swamy** S/o Natarajan, 45 YEARS, Ambhapuam Village, Nellore (R) Mandal, Nellore District.
- (4) Date of occurrence : 11-08-2021
- (i) Date of Apprehension : 11-08-2021
- (ii) Date of Commencement of Trial : 21-11-2023
- (iii) Date of Closure of Trial : 24-11-2023
- (iv) Date of Judgment : 04-12-2023
- (v) Whether the Accused are in Jail or on bail : Accused is in jail
- (vi) Plea of the accused and their examination if any; : Accused pleaded not guilty.
- (vii) Finding of the Court : In the result, the accused is found not guilty and he is acquitted U/s.235 (1) Cr.P.C., for the charge under Sec. 20 (b) (ii) (B) r/w 8 (c) of Narcotic Drugs & Psychotropic Substances Act, 1985. The accused shall be released forthwith, if he is not required in any other case. MO-1 Eight Sample packets and MO.3 Four Sample packets shall be destroyed after the expiry of appeal time. MO-2 Cell phone shall be confiscated to State after expiry of appeal time.

(5) Explanation for the delay, if any, in the Sessions Court:

This case was taken on file by this Court and registered as NSC.No.376/2022 and charge U/s.20(b)(ii)(B) r/w 8(c) of the NDPS Act, 1985 was framed on 07-11-2023. Trial schedule was commenced and prosecution examined PW1 to PW5 and got marked

Exs.P1 to P11 and MO-1 to MO.3 on its behalf. No documents were marked for accused. On 30-11-2023 the statement of accused U/s.313 Cr.P.C., was recorded and accused reported no defence evidence and on 01-12-2023 heard arguments and on 04-12-2023 Judgment was pronounced. Hence, there is no delay.

ORDER & SENTENCE:

In the result, the accused is found not guilty and he is acquitted U/s.235 (1) Cr.P.C., for the charge under Sec. 20 (b) (ii) (B) r/w 8 (c) of Narcotic Drugs & Psychotropic Substances Act, 1985. The accused shall be released forthwith, if he is not required in any other case. MO-1 Eight Sample packets and MO.3 Four Sample packets shall be destroyed after the expiry of appeal time. MO-2 Cell phone shall be confiscated to State after expiry of appeal time.

Sd/- S. SREEDEVI
METROPOLITAN SESSIONS JUDGE,
VISAKHAPATNAM