

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-II,
N. PARAVUR**

Present:- Smt. Jyothi V., Additional Sessions Judge-II.
Wednesday the 22nd day of October, 2025/30th Aswina, 1947.

Sessions Case No. 184/2023

(Crime No.905/2022 of Angamaly Police Station)

Complainant:-

State of Kerala, Represented by the Sub Inspector of Police,
Aluva East Police Station

By Addl. Public Prosecutor, N. Paravur, Sri. M. B. Shaji

Accused:-

1. Ajmal, aged 24/2022 years, S/o. Majeed, Neelathupallath Veettil,
Near New Bridge, Panayakadavu Bhagam, Chengamanad Village.
2. MuhammAd Afsal, aged 26 years, S/o. Muhammad Ali,
Puthanpurayil House, Njattapadam, Thiruvallloor, Alangad, North
Paravur Taluk (Now residing at Puthenpurayil Abdul Rehman's rented
House, Madrasa Lane, Thottumugham, Aluva)
3. Vishnu P.S., aged 26/2022, S/o. Sasi P. N., Perikkattil House,
Near Anganavadi, Valeppuram Bhagom, Kariyad,
Athani P.O., Aluva, Angamaly, Nedumbassery Village, Ernakulam,
683585.

R1:- By Adv. Sri. Mathai Varkey Muthirenthu,

R2:- By Adv. Sri.Vinayak P.S.,

R3:- By Advs. Sri. Safdarshah T. I. & Sri. Mohamed Sabah

Charge Under Section : U/s.8(c), 22(c), 22(b), 20(b)(ii)A, 27A &
29 of NDPS Act.

Plea of the accused : Not guilty

Finding : The prosecution has failed to
prove beyond reasonable doubt the
offences under Sections 22(a), 22(c),
and 20(b), as well as Sections 27 and
29 of the NDPS Act against the first
accused. Accused Nos. 2 and 3 are
acquitted of all charges and set at
liberty.

The first accused is found guilty
of the offence under Section 419 of
IPC.

Sentence

: The 1st accused is sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs. 10,000/- for the offence punishable under Section 419 of the Indian Penal Code. In default of payment of the fine, the accused shall undergo simple imprisonment for a further period of three months.

Description of the accused

Sl. No.	Name	Father's Name	Occupation	Age	Residence
A1	Ajmal	Majeed	Marketing Executive	24/22	Panayakadavu Bhagam, Chengamanad Village.
A2	Muhammed Afsal	Muhammad Ali	Shop	26	Thiruvallloor, Alangad, Ernakulam
A3	Vishnu P.S.	Sasi P. N.	Shop	26/22	Kariyad, Athani P.O., Aluva

DATE OF

Occurrence	15.09.2022
Complaint	15.09.2022
Apprehension	A1- 15.09.2022, A2 – 05.10.2022, A3 – 05.10.2022
Release on bail	A1 - Nil, A2 – 06.03.2025, A3 – 27.02.2025
Committal	Nil
Commencement of trial	14.10.2024
Close of trial	16.10.2025
Sentence	22.10.2025

This case having been finally heard on 16.10.2025, the Court on 22.10.2025 delivered the following:-

J U D G M E N T

The Inspector of Police, Angamaly Police Station, filed a complaint against accused Nos. 1 to 4 alleging commission of offences punishable under Sections 8(c), 22(c), 22(b), 22(b)(ii)(A), 27A, and 29 of the *Narcotic Drugs and Psychotropic Substances Act, 1985* (hereinafter mentioned as, “the NDPS Act”). The case originated from FIR No. 905/2022 of Angamaly Police Station.

2. The prosecution case, in brief, is that accused Nos. 1 to 4, motivated solely by financial gain, entered into a criminal conspiracy for the interstate purchase, sale, and distribution of narcotic drugs, namely Methamphetamine Hydrochloride, LSD, and Hashish oil, all of which are prohibited under the NDPS Act as harmful and addictive substances. In furtherance of this conspiracy, the accused engaged in repeated financial transactions among themselves and through intermediaries, using various bank accounts and mobile payment systems to generate and transfer funds for the procurement of drugs from Mumbai. Accused Nos. 1 and 2 carried out large-scale fund transfers through their Axis Bank, HDFC Bank, South Indian Bank, and Indian Bank accounts, while accused Nos. 3 and 4 also remitted substantial amounts into the account of the first accused for the common purpose. Mobile call records show frequent communication among the accused, establishing co-ordination for the execution of the plan. To facilitate the conspiracy, accused Nos. 1 and 4 rented flats in Earth Space Transit Apartments near Nedumbassery Airport, where all four accused met on several occasions between June and September 2022 for planning. The first accused also undertook

travel to Mumbai, where, along with the second accused, he arranged accommodation using false Aadhaar identities in various lodges, including Le-Grande Residence, Sona Lodging & Boarding, and Hotel Golden Residency. During this period, they negotiated and procured narcotics through one Michael @ Mike. A parcel containing 198.360 grams of Methamphetamine Hydrochloride was booked through courier to Kerala, in addition to LSD stamps and Hashish oil purchased for possession and use.

3. On 15.09.2022, the first accused collected the parcel from Blue Dart DHL Courier, Angamaly, by producing a false Aadhaar identity, and thereafter kept it in a red Tata Nano car (KL-04-AH-4823) parked in the parking ground of Malabar Gold shop situated near the KVPS Kooran's Gateway building. Upon interception, the accused was found in conscious possession of the parcel, along with 3.89 grams of Hashish oil and three LSD stamps weighing 20 mg concealed in his jeans pocket and purse. Thus, according to the prosecution, accused Nos. 1 to 4, by pooling funds, maintaining constant communication, arranging premises and travel, and procuring, possessing, and attempting to distribute narcotic drugs, committed offences punishable under the relevant provisions of the NDPS Act.

4. The case against accused Nos. 1 to 3 was taken on file by the Hon'ble Sessions Court, Ernakulam under the present number and made over to this Court for disposal in accordance with Section 36 (c) of the NDPS Act, 1985 read with Section 209 of the Code of Criminal Procedure, 1973 (CrPC). The 4th accused, who had absconded during the course of investigation, was proceeded against

separately, and a split-up charge sheet was filed by the Investigating Officer as provided under law.

5. Accused Nos. 1 to 3, being in judicial custody, were produced before this Court. Copies of all relevant documents and materials relied on by the prosecution were furnished to them in compliance with Section 207 Cr.PC. Thereafter, upon hearing the submissions of both sides under Section 227 of Cr.PC, this Court found sufficient grounds to proceed and accordingly framed charges against accused Nos. 1 to 3 for offences punishable under Sections 8(c), 22(c), 22(b), 20(b)(ii)A, 27A, and 29 of the NDPS Act, 1985. The charges were read over and explained to the accused in the vernacular language as mandated under Section 228(2) CrPC, to which all the accused pleaded not guilty and claimed to be tried.

6. During the course of trial, the prosecution examined PW1 to PW52 and marked Exts. P1 to P159. Material objects MO12 and MO36 series were also identified and marked. The prosecution gave up CW3, CW4, CW7, CW42, CW51, CW61 and CW70. Instead of CW54, an additional witness was examined as PW51. CW18 was reported as dead and CW16 as abroad CW19 to CW24 were from other states. Even though the prosecution submitted that CW19 to CW23 were given up, when the case was posted for examination under Section 313 (1)(b) of Cr.PC, the learned Additional Public Prosecutor filed CrI.MP. No.2593/2025 seeking permission to examine them. However, the said petition was dismissed as a belated one. The presence of those witnesses could not be secured even after taking coercive steps, and it was observed that their appearance could not be ensured

without causing further delay. The case was time-bound in compliance with the order of the Hon'ble High Court of Kerala in B.A. No. 4901/2024 dated 09.09.2025.

7. The prosecution relied upon the testimonies of PW1 to PW4, PW6 to PW8, PW19 to PW23, PW27, PW29, PW31, PW35, PW36, PW40, and PW44 to establish the detection of the contraband and the compliance with the statutory requirements under the NDPS Act. To prove the alleged conspiracy among the accused, the prosecution examined PW5, PW9 to PW11, PW24, PW26, PW28, PW30, PW37, PW39, PW43, PW45 to PW47, PW49 to PW51. To establish the aspect of financial assistance and transactions related to the offence, reliance was placed on the evidence of PW12 to PW18, PW32 to PW34, PW38, PW41, and PW42. PW52 is the Investigating Officer who completed the investigation and filed the final report. After the closure of prosecution evidence, accused Nos. 1 to 3 were examined under Section 313(1)(b) of the Code of Criminal Procedure, 1973. The accused Nos. 1 to 3 denied all the incriminating circumstances appearing in the evidence against them. They also filed written statements under Section 313(5) of the Code of Criminal Procedure, 1973. The first accused submitted that he has no connection whatsoever with the alleged facts and claimed complete innocence. He stated that some persons in civilian dress, who appeared to be hooligans, had taken him into custody and wrongfully confined him before the arrest was recorded. He maintained that he had been falsely implicated in the case and had no involvement in any illegal activity as alleged by the prosecution.

8. The second accused filed a written statement u/s 313 (5) of Cr.PC and stated that he was arrested from his house on 05.10.2022, nearly twenty days after the arrest of the first accused, Ajmal. He explained that he and the 1st accused, Ajmal, were schoolmates since the eighth standard and lived in nearby localities. He used to assist his father in running a footwear shop at Aluva and also earned income by arranging vehicles for hire and doing catering work. Owing to his business activities, he often borrowed and lent money to his friends, including 1st accused, through both bank transfers and direct transactions. He further stated that he frequently travelled to Mumbai, Delhi, and Tamil Nadu for business purposes. In August 2022, when the 1st accused sought financial help to start a business, he borrowed money from his relatives and gave it to Ajmal. Later, while in Mumbai, he met the 1st accused once for a meal but denied travelling or staying with him thereafter. He insisted that the money was purely for business purposes and denied any connection with narcotic drugs.

9. The third accused also filed 313(5) Cr.PC statements and claimed complete innocence, stating that he knew the 1st accused only through playing football and cricket together. On one occasion, the 1st accused requested him to collect money from the 1st accused's mother and transfer it to him through the Aluva SBI Service Point, which he did. He reiterated that he had no connection with narcotic substances and was falsely implicated.

10. The accused and the prosecution were heard under Section 232 of the Code of Criminal Procedure, 1973. Since this was not a case of "no evidence," the

accused 1 to 3 were not entitled to an order of acquittal under Section 232 CrPC. Consequently, the accused 1 to 3 were called upon to enter upon their defence and to adduce evidence, if any, as provided under Section 233 CrPC. However, no defence evidence was adduced.

11. After the closure of evidence, learned counsel on both sides advanced their arguments. Learned counsel for the 1st accused filed argument notes. On the basis of the charges framed against the accused under the Narcotic Drugs and Psychotropic Substances Act, 1985, the evidence adduced by the prosecution, the defence put forward by the accused during cross-examination as well as in their statements recorded under Section 313 Cr.PC, and the submissions made by counsel, the following points arise for consideration: –

1. Whether the 1st accused was found in conscious possession of Narcotics Drug and Psychotropic Substance with commercial quantity of MDMA, intermediate quantity of Hashish oil and small quantity of LSD stamp in contravention of the NDPS act on 15/09/2022 at the place as alleged by the prosecution?
2. Whether there is violation of the statutory mandatory provisions of the NDPS act?
3. Whether the first accused cheated by personation by impersonating himself as the PW47/ CW26 and used his name and ID without his permission and committing the alleged offence ?
4. Whether the 2nd and 3rd accused financially aided the 1st accused in committing the alleged offence?

5. Whether the accused Nos. 1 to 4 entered into conspiracy in order to commit the purchase of alleged contraband and transport the alleged quantity of the Narcotic Drug and Psychotropic Substances?
6. What offences, if any, were committed by the accused Nos. 1 to 3?
7. What is the sentence to be passed ?

12. **Point Nos. I to III:-** For the sake of convenience, these points are discussed together. According to PW1, while he was serving as Sub-Inspector of Police at Angamaly Police Station on 15.09.2022, he received a confidential information via his official phone at 1:27 p.m., stating that prohibited narcotic substances were being kept in a red car parked in the Malabar Gold and Diamonds parking area at Angamaly.

13. On receiving this information, PW1 put the information in writing as Ext. P2, then informed his superior officer by phone and prepared Ext. P3, a report under Section 42(2) of the NDPS Act, which he dispatched through PW4, SCPO of Angamaly Police Station. He also recorded the information in the General Diary and, at 1:50 p.m., left the station in a jeep along with Driver CPO Ali, CPO Ajitha, and CPO Mahesh. They reached the parking area around 2:00 p.m. The parking ground was located about 60 metres north of the Malabar Gold Jewellery store, accessible from the Angamaly–Chalakkudy Highway. PW1 and his team located a red Tata Nano car bearing registration number KL-04-AH-4823 in the central southern part of the parking area.

14. In the presence of PW3, the security guard of Malabar Gold, and a fruit vendor Avarachan, PW1 approached the car and identified himself to the person seated in the driver's seat as the Sub-Inspector of Police, Angamaly. He informed the individual that they were there to conduct a search based on information that the person was in possession of prohibited drugs. The person seated in the driver's seat identified himself as Ajmal, S/o Majeed, who is the first accused in this case. The first accused was asked to step out of the vehicle and was kept under the observation of the accompanying police officers while the car was searched.

15. On the front passenger seat, which is to the left of the driver's seat, they found objects wrapped in a red-coloured disposable cloth marked as MO12. Upon opening this cloth, they found two packets, one red and one white. The white packet MO11 contained MO11(a), a Syska brand shaving set and its MO11(b) charger. The MO10 red packet contained a black Signatize Bluetooth speaker MO10(a), which was kept inside its carton. When the speaker was shaken, PW1 noticed something rattling inside. When questioned about this, the first accused appeared nervous. PW1 then used a screwdriver from the investigation kit to open the Bluetooth speaker and found a white crystalline substance contained in two packets, marked as MO1(a) and MO1(b), which PW1 identified in court. Based on his experience, PW1 determined the substance to be MDMA and confirmed this to PW3, the witnesses, and the accompanying police officers.

16. PW1 then served Ext. P4, a written notice to the first accused, informing him of his right to have his body searched in the presence of a Magistrate or a Gazetted Officer. The accused expressed his wish to have the search conducted in the presence of a Gazetted Officer, which is recorded in Ext. P4 itself with his signature. Consequently, PW1 contacted PW19, the Excise Squad Inspector Sajeew Kumar on his official phone. Until the arrival of PW19, the Gazetted Officer, the first accused, was kept under police surveillance. PW1 also instructed Driver CPO Ali to bring a weighing machine used daily at Malabar Gold.

17. PW19 arrived at the place of occurrence at about 3:40 p.m., that evening. He was served Ext.P5, the Section 50 NDPS notice, which he accepted. According to PW1, PW19 introduced himself to the first accused, the witnesses, and the police team as an Excise Inspector present to witness the body search. With his permission, the police team conducted a mutual body search to ensure that no narcotic substances were on their persons before proceeding with the body search of the accused. The body search of the first accused, conducted by PW1, yielded MO3, a black leather purse, and MO21, a plastic bottle with an orange cap containing a paste-like substance, from the front right pocket of his jeans. The paste inside MO21 emitted a strong odour of cannabis, which PW1 identified from his experience as Hashish oil. MO9, an Apple iPhone (black/grey) was found in the left front pocket of the jeans of the first accused. The MO3 leather purse seized from the first accused as per Ext.P1 seizure mahazer, contained MO4/ an Aadhaar

card, MO6/ a driving licence, and MO8/an Indian Bank ATM card all in the name of the first accused. It also contained MO5, a laminated copy of an Aadhaar card in the name of Aalif Mohammed Saifudhin and MO7, a Voter ID card in the name of Jaison T.M. Furthermore, the front compartment of the purse contained a piece of aluminium foil wrapping a stamp that could be separated into three parts, which PW1 identified as an LSD stamp.

18. The weighing machine brought by CPO Ali and powered through a plug point from a nearby establishment, "Travels Hub," was balanced by PW6, an employee of Malabar Gold. The two packets of MDMA were weighed separately and found to contain 101.03 grams and 99.63 grams, respectively. As the contents appeared identical, both packets were combined into a single cover weighing 5.35 grams, resulting in a total combined weight of 203.71 grams. After deducting the cover weight, the net weight of the MDMA was determined to be 198.36 grams. In addition, 3.89 grams of hashish oil were recovered from the accused's pocket, and an LSD stamp weighing 60 milligrams (120 milligrams including the aluminium foil) was also seized.

19. PW1 deposed that the seized articles were separately packed, sealed, labelled, and marked. The MDMA was packed and sealed as P1. The two plastic covers containing the MDMA, marked as MO1(a) and MO1(b), which were found inside the MO10(a) speaker recovered from the car, were also separately sealed and labelled as P2, which corresponds to MO1; the hashish oil and the LSD stamp were separately packed, sealed, and marked as P3 and P4, respectively; and the

specimen seal bearing the signatures of PW1, the independent witness, and the accused was separately packed, labelled, and marked as P5, which was identified as MO2 by PW1. The sealed packet marked as MO1 was opened during the examination of PW1, and the two plastic packets, MO1(a) and MO1(b), produced therefrom, corroborate the testimony of PW1 regarding the seizure.

20. Ext. P1, the contemporaneously prepared seizure mahazar, was drawn up at the scene between 6:30 p.m. and 7:15 p.m., on the same day. It bears the specimen seal of Angamaly Police Station and is attested by PW2, a CPO of Angamaly police station, who wrote the document as dictated by PW1, and PW3, an independent witness. PW2, a member of the detection team, deposed in tune with that of PW1 corroborating his testimony and affirmed that the contraband items were duly seized, sealed, and labelled in her presence.

21. PW1 further identified the material objects during trial. On opening MO1, the sealed cover marked 'P2' during trial, he identified the two plastic packets MO1(a) and MO1(b) in which the seized MDMA was contained. The personal articles recovered from the accused during body search were also identified, including MO3 (a black purse) containing MO9 (Apple iPhone), MO4 (Aadhaar card), MO5 (laminated Aadhaar card in the name of Aalif Muhammad Saifuddin, MO6 (driving licence of the accused), MO7 (Election ID card), and MO8 (Indian Bank ATM card). These items were duly entered in the property list, Ext. P154, and produced before the court.

22. The arrest of the accused was formally recorded at 6:15 p.m., immediately after the seizure process. Ext.P6 is the arrest notice issued under Section 52 of the NDPS Act. Through this notice, the grounds of arrest and the specific Sections under which the offence was registered were duly intimated to the first accused on 15.09.2022 at 6:15 p.m. The notice bears the signature of the first accused, acknowledging receipt of the same. Ext. P7 is the arrest memo, which also contains the signature of the arrestee. The arrest intimation is marked as Ext. P158, and the medical examination certificate of the first accused is produced as Ext. P159. Ext. P8 is the inspection memo dated 15.09.2022, a copy of which was served on and acknowledged by the first accused on the same date. Ext. P9 is the custody memo prepared at the time of arrest of the 1st accused. The documents bear the seal of the court dated 16.09.2022. The initials with the date 16.09.2022 and time 4:45 p.m. are noted on Ext. P7 arrest memo indicating that the accused was produced before the Magistrate on 16/09/2022 at 4.45 pm. Ext. P111 is the remand report of the first accused, submitted by PW52 on which the learned Magistrate recorded the remand order.

23. In ***Union of India v. Mohanlal* (2016) 3 SCC 379**, the **Supreme Court** Paras 30–31, “*The Court lays down directions to all State Governments and enforcement agencies to ensure scrupulous compliance with the NDPS procedural safeguards and to prevent tampering, substitution, or loss of evidentiary value*”. In the present case, PW1 clearly stated that Ext. P1 was prepared on the spot at the scene of occurrence immediately after the completion of the search and seizure. He

affirmed that all contraband items were properly sealed, labelled, and signed by himself, the attesting witnesses, and the accused. According to prosecution, the contemporaneous preparation of Ext. P1, along with the attestation of independent witnesses and adherence to proper sealing procedures, demonstrates compliance with the procedural requirements under NDPS Act. Ext.P1, as the primary documentary record of seizure, is therefore admissible under Section 65 of the Indian Evidence Act. The presence of the accused's signature on Ext.P1 and the use of the official specimen seal authenticate the seizure and strengthen the chain of evidence linking the accused to the narcotic substances.

24. The evidence of PW1 and PW2 is further corroborated by contemporaneous records and labels affixed on various sealed packets, including MO15(b), MO1, MO15(c), MO15(d) and MO2(a) the respective labels on sealed cover with mark P1, P2, P3, P4 and P5. These labels contained the signatures of the 1st accused and independent witnesses, in addition to that of PW1, establishing the integrity and authenticity of the seizure process.

25. PW3, an independent witness and security staff at the Malabar Gold parking area, provided clear and credible testimony regarding the detection and seizure of contraband from the 1st accused. He confirmed that on 15.09.2022, around 2:00 p.m., he observed the police, led by PW1, arrived at the parking ground and recover MDMA, Hashish oil, and LSD from the accused's possession, including from a Bluetooth speaker, his pockets, and a purse. PW3 identified the seized items MO1, MO15 (a), MO15(a) (i), MO15(a) (ii), MO1(c), MO3, MO9,

MO4 to MO8 in court and confirmed signing the Ext.P1 seizure mahazar and his signature on the related documents MO15(b), MO1, MO15(c), MO15(d) and MO2(a) the labels on packets sealed at the place of occurrence with identification marks P1, P2, P3, P4 and P5 respectively. He corroborated the procedure followed by the police, including the weighing, packing, sealing, and photographing of the items, and the arrest of the accused, thereby supporting the prosecution's compliance with Sections 42, 50, and 52 of the NDPS Act. During cross-examination, the defence attempted to challenge his credibility by highlighting minor memory lapses, delayed summons via WhatsApp, and lack of precise recollection of peripheral details such as the car number or dress of the accused. However, PW3 consistently stated that he was present during the seizure, observed the recovery, and had signed the relevant documents contemporaneously. These minor omissions did not materially affect the core facts he deposed. His testimony, being independent, consistent with other witnesses, and corroborated by documentary evidence, is admissible under the Indian Evidence Act as direct evidence of the recovery and seizure of contraband. The defence did not succeed in materially discrediting his evidence, and it remains a vital link establishing the accused's possession of narcotic substances, as required under the NDPS Act.

26. The evidence of PW19, the Circle Inspector of the Excise Enforcement and Special Squad, strongly corroborates the testimonies of PW1, PW2, and PW3 regarding the seizure and recovery of contraband from the first accused. PW19 deposed that after receiving Ext. P5 notice under Section 50 of the

NDPS Act, he personally conducted the body search of the 1st accused, after duly informing him of the intention to search and after following the reciprocal search procedure with the police party. During the search, PW19 recovered a purse containing MO21 in which hashish oil and LSD in an aluminium folder were seized from his body, and confirmed the identity of the 1st accused. His testimony aligns with the sequence of events narrated by PW1 and PW2, including strict compliance with Section 50 of the NDPS Act, which mandates that a body search be conducted in the presence of an authorized officer, and ensures proper handling and recovery of the contraband.

27. During cross-examination, the defence attempted to challenge PW19's credibility by pointing out minor omissions, such as specifying whether the contraband was recovered from the front or back pocket of the accused's jeans, and suggested potential bias due to inter-departmental co-operation between Excise and Police. PW19 clarified that he had provided all relevant details to the Investigating Officer, denied any bias, and maintained that he personally conducted the body search and recovered the contraband. These minor discrepancies are peripheral and do not affect the core facts of recovery and seizure. Being the Circle Inspector, PW19 satisfies the requirement under Section 50 NDPS Act, validating the legality of the body search and ensuring the specification of seized narcotics. His testimony is direct and corroborative, confirming the seizure in the presence of witnesses. It forms part of the same transaction, proving the recovery of hashish oil and LSD

from the accused's possession, and corroborates the testimony of earlier witnesses regarding seizure.

28. PW19's identification of the contraband recovered from the accused, and his confirmation of the identity of 1st accused, directly proves the possession of a narcotic substance. His cross-examination did not dislodge the recovery, only highlighting minor omissions in the recording of his statement. Thus, PW19's evidence is material, credible, and reliable, confirming the recovery of contraband, the identity of the accused, and strict compliance with statutory safeguards under Section 50 of the NDPS Act, thereby significantly strengthening the prosecution's case.

29. Regarding the place of occurrence, the PW1, who detected the contraband and prepared Ext.P1 mahazar, a contemporaneously drawn document, was corroborated by PW52, the officer who prepared Ext. P23 the scene mahazar, and PW20, the Angamaly Village Officer, who prepared Ext.P55 site plan on the requisition of the Angamaly Police, thereby establishing the identity of the place of occurrence. The testimony of PW20 and the Ext.P55 site plan assume significance in establishing the identity and location of the place of occurrence. PW20 deposed that she prepared the site plan after receiving the seizure mahazar from the Angamaly police station and after physically inspecting the place of occurrence as described therein.

30. The markings on Ext.P55, as explained by PW20, specifically point to the Scene of Crime, along with significant reference points such as the AT/98A

electric post, the entrance to the parking ground, the well, the parking area of Options textiles, and the KG Hospital boundary. These landmarks provide an accurate geographical context and corroborate the prosecution case regarding the precise location where the contraband was detected and seized. She also confirmed that the plan shows the location of the Angamaly Sub Inspector's office and the Circle Inspector's office, including the distances between them. The testimony of PW3 as well as that of PW6 and PW7 also proved the place of occurrence as claimed by the prosecution.

31. The testimony of PW6, a goldsmith and quality checker employed at Malabar Gold, Angamaly, is relevant both for corroborating the identity of the place of occurrence and for confirming the weighing of the contraband substances at the place of occurrence. PW6 deposed that on 15.09.2022, while he was on duty at the Malabar Gold showroom, the Angamaly Police arrived in the afternoon and informed the Manager that drugs had been seized from the parking area of the establishment. The police requested a weighing machine and a person to assist in weighing the seized material. Accordingly, the witness was directed to accompany the officers with the scale. PW6 clearly described the location of the parking area as situated to the north of the Malabar Gold showroom, two shops away, and confirmed the presence of a nearby establishment called "Travel Hub," from where the electric weighing machine was powered. He thus identified the place of occurrence as being within the immediate premises and vicinity of Malabar Gold, thereby corroborating the prosecution version regarding the location of the seizure.

32. As to the weighing process at the place of occurrence, PW6 deposed that upon reaching the parking area, he found the police, the shop's security guard Rafeek, and a fruit vendor named Avarachan present. He identified the first accused at the scene. The witness confirmed that the seized items, comprising several packets, were placed on the electric scale and weighed inside the Travel Hub office, after which the packets were sealed. He then returned to the shop with the weighing scale. The witness further deposed that the scale used was the one regularly employed at Malabar Gold and that it was duly verified by the Legal Metrology Department, as evidenced by Ext. P19, a valid Verification Certificate.

33. PW6's evidence thus independently confirms two critical aspects of the prosecution case i.e., first, the place of occurrence being the parking area adjoining Malabar Gold Jewellery showroom at Angamaly , and second, the factum of weighing the seized contraband at the place of occurrence using a certified weighing machine. Though he could not conclusively identify the specific sealed packets MO1 and MO15 as the ones he weighed that day, his testimony regarding the presence of the accused, the use of the Travel Hub premises, and the weighing procedure lends corroboration to the testimony of PW1, PW2 and PW3 concerning the detection, seizure, and documentation of the contraband. Thus, the evidence of PW1, PW2 and PW3 were further corroborated by the testimony of PW6, PW20 and the Ext.P55 and Ext. P19 proved the place of occurrence, thereby lending support to the prosecution version of events.

34. According to PW1, and as corroborated by the testimonies of PW2 and PW3, the first accused did not possess any valid license or authorization which permit him to possess the aforesaid narcotic drugs or psychotropic substances, as required under the provisions of the NDPS Act. Therefore, the possession of these three distinct narcotic and psychotropic substances attracts different penal provisions under the NDPS Act based on their respective nature and quantity.

35. According to the first accused, while answering the 313 (1)(b) of Cr.PC questions, he stated that some persons behaved like Gundas in Mufti, had confined him, and he had no connection with the contrabands allegedly recovered. However, the prosecution has already established that hashish oil and LSD were recovered from the body of the first accused. Therefore, the defense in relation to the charges of illegal possession of hashish oil and LSD has not been substantiated.

36. With respect to the methamphetamine hydrochloride allegedly seized from the vehicle bearing registration number KL-04-AH-4823, the prosecution is required to carry an additional burden to prove ownership of the MDMA. According to the prosecution, the courier, covered with MO12 disposable cloth in which the MO10(a) speaker and the contrabands were obtained by the first accused from Blue Dart DHL. To substantiate this, the prosecution examined PW8, the owner of Blue Dart DHL courier service; PW7 and PW40, employees of Blue Dart DHL and PW44.

37. PW8, the owner of Swift Enterprises, which operated the Blue Dart Courier Service at Angamaly, stated that the office is located on the ground floor of the Koorans Building, adjacent to Malabar Gold,

Angamaly. PW7, a female staff member, and PW40, another employee, were working at this courier service center under PW8. PW7 identified the first accused in court as the person who visited the office on 15.09.2022 at around 10:45 a.m., and collected a parcel contained in a red-colored box. She explained that she initially had difficulty locating the parcel using the tracking ID shown to her by the accused on his mobile phone due to a large volume of incoming shipments, but the first accused assisted her by specifying the colour of the box as red, which enabled her to retrieve it.

38. PW7 deposed that the parcel was retrieved, and she recorded the tracking code on the Ext. P20 delivery sheet, along with the name of the recipient on the box. The accused presented an Aadhaar card as identification, which PW7 accepted without verifying the photo due to workload, and the Aadhaar number was noted in the 'Remarks' column. The accused then left with the parcel. Later that afternoon, the police arrived and informed her that the parcel contained drugs. They asked her to go to the Malabar Gold parking area, where she identified the first accused as the person who collected the parcel earlier. PW7 also identified MO12 as the parcel cover and confirmed the parcel's dispatch from Mumbai using the tracking code. Her testimony corroborated by Ext. P20, the Blue Dart delivery sheet and Ext. P21 the printout of the track bill from the courier system reflected the parcel's dispatch and delivery. Both Exts. P20 and P21 were seized by the PW52 as per Ext. P22, the police-prepared inventory, in which PW7 is an attester. Exts.P20 and P21 were submitted before the court as per property list Ext. P145.

39. During cross-examination, PW7 admitted that she did not verify the Aadhaar card photo against the person collecting the parcel and acknowledged that the courier's internal documents did not record the contents of the parcel. She clarified that anyone sent by the customer could collect the parcel and that the police identification of the accused occurred at the parking lot. PW7 maintained that she had delivered the parcel to the first accused.

40. PW8, the owner of Swift Enterprises, confirmed that he arrived at the office in the afternoon of 15.09.2022 and learned of the incident from PW7. He stated that the police seized the office DVR and prepared Ext. P23 Mahasar in which he is an attester. PW8 issued Ext. P24, S. 65 B of Evidence Act certificate for MO22 pendrive in which the CCTV footage visuals were written which was submitted before the court as per Ext. P137 document list. The CCTV footage showed the first accused collecting a parcel from PW7 at around 10:46–10:50 AM, holding a red-colored parcel. PW8 confirmed that the visuals produced in court were the same as those shown to him by the police and that the DVR had been handed over to the police. During cross-examination, PW8 clarified that he was not present in the office when the parcel was collected and had no direct knowledge of the event, relying on PW7's account. He stated that the Mahasar was prepared in his presence and that the DVR captured continuous recording for the day 15/09/2022 from 10.00 am to 11.00 am. PW40, the manager of the Angamaly office, stated that he returned from the bank in the afternoon on 15.09.2022 and found the police present in the parking area. He learned from the office staff that

the parcel delivered earlier that day, addressed to Rahul K R, contained drugs and that the person who collected it was arrested. PW40 identified the first accused as the person who had collected the parcel. He also certified the Ext. P 20 delivery sheet with the office seal and confirmed the entry for Rahul K R as the fifth from the top in Ext. P20. PW40 was not present when the accused collected the parcel. He confirmed that the identification of the accused at the parking lot was shown to him by PW7.

41. PW44, a former delivery staff member, confirmed observing the first accused collect the parcel on 15.09.2022 at around 10:45 a.m., from PW7. He identified the accused in court and stated that he later assisted the police by copying CCTV footage onto MO22A pen drive with Ext P81 the S. 65 B certificate which was seized by PW52 through Ext. P89 mahazar and was an attester in Ext. P89. MO22A and Ext. P81 certificate were submitted before the court as per property list Ext. P143 and document list Ext. P142 respectively. He confirmed that the parcel contained MDMA, as reported by the police, and that the CCTV footage showed the first accused receiving the parcel. During cross-examination, PW44 deposed that he first saw the accused that day and could identify him from the parking lot. He acknowledged that he did not know who copied the visuals to the pen drive but confirmed the footage was the same as recorded at the office.

42. The combined testimony of PW7, PW8, PW40, and PW44, supported by documentary and electronic evidence, establishes a continuous chain linking the first accused to the parcel containing MDMA. PW7 deposed that he directly

delivered the parcel to the accused at the courier office, which is corroborated by the CCTV footage and the testimony of PW44. The authenticity of the CCTV visuals and delivery records was verified by PW8 and PW40, and the dispatch of the parcel from the Blue Dart office, Angamaly, addressed to *Rahul K.R.*, stands proved through Exts. P20 and P21. The Ext. P23 scene mahazar, prepared by PW52 on 16.09.2022 at 11:00 a.m., in the presence of PW8, records the recovery of the parcel and the identification of the accused at the spot, aligning with PW7's account that the accused personally collected the parcel on 15.09.2022. PW40 further confirmed that the corresponding delivery sheet entry for *Rahul K.R.* was certified and sealed by him, reflecting the same transaction. The Ext. P24 Section 65B Evidence Act certificate, pertaining to the MO22 SanDisk Cruzer Blade 128 GB pen drive, validates the electronic record containing the CCTV footage. The visuals reproduced in court clearly show the accused receiving the parcel from PW7, who is identifiable in the footage, consistent with the timeline narrated by the witnesses. PW44's testimony regarding copying the relevant visuals to the pen drive and attesting the mahazar is also corroborated by the production of MO22 and Ext. P24. Taken together, these oral and documentary pieces of evidence conclusively establish that the first accused collected the parcel from the Blue Dart/Swift Enterprises office at Angamaly, from which the contraband was subsequently recovered. Although PW7 and PW8 were not present throughout the entire transaction, their testimonies, supported by PW40's certification and PW44's verification of the electronic records, satisfy the requirements under Sections 65

and 65B of the Indian Evidence Act. The prosecution has thus effectively proved that the first accused was in conscious possession of the parcel containing contraband substances.

43. The defence counsel vehemently challenged the prosecution version regarding the time of detection of the contraband by PW1. It was contended that as per the deposition of PW8, after 12:00 noon on 15.09.2022, PW7 had informed him over phone about an incident relating to a parcel suspected to contain MDMA, which had been transacted through their courier service. In cross-examination, when specifically questioned about the exact time at which PW7 contacted him, PW8 stated that she had called him after 12:00 noon and that he reached his office within half an hour thereafter. Based on this, the defence attempted to establish that PW8 had reached the office before 1:30 p.m., and therefore, the prosecution's version that PW1 detected the contraband at 2:00 p.m. at the place of occurrence was incorrect. However, it is pertinent to note that PW7, in her deposition, never stated that she had called PW8 at any point of time to convey information regarding the parcel. Even when PW7 was recalled and further examined, none of the accused had put to her any specific question regarding the timing of PW8's arrival at the office after receiving the alleged call. Moreover, PW7, during her cross-examination, categorically stated that the police reached the courier office only after 2:00 p.m., bringing with them the parcel in an unwrapped condition and enquiring about the courier details. She further reaffirmed, even after repeated questioning, that on 15.09.2022 at about 2:45 p.m., the police called her to the

parking area, the place of occurrence, where she identified the first accused as the person who had collected the parcel earlier that morning. She also clarified that on the following day, 16.09.2022, the police again came to the courier office around 12:00 noon.

44. In addition to the official witnesses PW1 and PW2, the presence and evidence of independent witnesses PW3 and PW6 lend strong corroboration to the prosecution version. PW3, the security guard at the parking area of Malabar Gold, is an independent and disinterested witness whose presence at the scene is certain from the very beginning of the detection process. He deposed that he saw the police party arriving at the parking ground around 2:00 p.m. and witnessed the subsequent events relating to the detection of the contraband. PW6, who arrived later with the weighing machine, also confirmed during cross-examination that he reached the spot around 2:00–2:30 p.m. Thus, when the testimonies of PW3, PW6, and PW7 are read together, they consistently corroborate the evidence of PW1 and PW2 regarding the police's arrival and the detection of contraband after 2:00 p.m. on 15.09.2022. The only inconsistent testimony is that of PW8, whose statements regarding time are vague and uncertain. His evidence, though not declared hostile, does not carry sufficient weight to rebut the consistent and corroborated version given by the other witnesses. Hence, the isolated and imprecise statement of PW8 cannot be accepted to discredit the otherwise cogent and reliable evidence proving that the detection and seizure took place after 2:00 p.m. on 15.09.2022.

45. From the above said discussion it is evident that the 1st accused received the parcel, from which the contraband was detected, from the blue dart DHL courier service run by PW8 in which PW7, PW40 and PW44 are the staff. So the crucial question arose was whether the 1st accused obtained the parcel from the office of PW8 with the knowledge that it contained contraband. It is significant to note that the address mentioned on the MO12(a) and MO12(b) labels affixed to the MO12 courier wrapping is not in the name of the first accused. This circumstance casts an additional burden on the prosecution to establish that the first accused had consciously obtained the said parcel with full knowledge of its contents. The prosecution must therefore prove beyond reasonable doubt that the first accused was aware that the parcel contained contraband substances contained in MO1(a) and MO1(b), in addition to MO10(a) Bluetooth speaker, MO11(a) shaving machine, and MO11(b) charger. The address mentioned in Ext. P22 bill is “Rahul K.R., Kaniplackal House, BB Earthspace Apartments, Behind Golf View Hotel, Nedumbassery – 683108.” The corresponding delivery number noted in Ext. P20 is 89641959680. The shipper’s address is recorded as *R.S. Enterprise*, located at A31, Nirmal Shopping Centre, Nalasopara (East) – 401209.

46. According to PW52, the Investigating Officer, the first accused had taken on rent Flat No. 5BB in Earth Space Transit Apartments, Nedumbassery. It was further revealed during investigation that one Rahul K.R., whose name appears on the label affixed to the MO12 parcel, had also taken on rent another flat, bearing No. 3AH, in the same apartment complex. To establish these facts, the

prosecution examined PW5, the security guard of Earth Space Apartments, who was on duty there during the period 2020–2022, and PW10, the receptionist employed in the hotel functioning within the Earth Space Building at Nedumbassery. The prosecution also examined PW11, the owner of Flat No. 3AH in the said apartment, to confirm the tenancy arrangement relating to Rahul K.R. and to corroborate the connection between the two flats and their occupants.

47. PW5, a security guard who worked at Earth Space Apartments for about three months in 2022, deposed that the first accused was residing in Flat No. 5BB during that period. He frequently saw the accused entering and leaving the flat and occasionally received courier parcels addressed to him, which he handed over upon delivery. PW5 further deposed that on 30.09.2022, the police visited the apartment complex along with the first accused, seized a rental agreement related to the flat, and prepared Ext. P18 mahazar, which PW5 signed as a witness. He identified the first accused in court. No cross-examination was conducted by the defense. PW9, the caretaker of Earth Space Apartments for over three years, testified that Flats No. 5BB and 3AH were owned by a person named Balan and PW11 respectively which were rented out through the apartment office. On 30.09.2022, as per the request PW9 handed over the rental agreement, Ext. P25 and Ext P26 for Flat 5BB and 3AH, which were seized under mahazar Ext. P18 and inventory Ext P28 Respectively. Ext P25 and P26 were submitted before the court as per document lists ext P138 and P139. The witness identified the document Ext. P26 as the rental agreement for Flat 3AH, between Balan and a

tenant named Rahul Raveendran. He confirmed his signature on the mahazar and the document. PW9 identified the first accused in the dock as the person who actually stayed in Flat 5BB. During cross-examination, he admitted that he did not personally know Rahul Raveendran and had only seen the first accused living there. He also deposed that the CCTV system had a one-month backup, and footage for September 2022 was available at the time of seizure. PW10, a receptionist working in the hotel situated within the Earth Space building, testified that he was aware that the first accused, Ajmal, was residing in Flat 5BB. On 30.09.2022, the police, along with the first accused, came to the premises and obtained the rental agreement for the flat, which the caretaker handed over. PW10 signed Ext. P25 mahazar as a witness. He confirmed seeing the first accused several times earlier, as the apartment entrance passed near the hotel reception, and identified him in court. In cross-examination, he reiterated that he had seen the first accused on multiple occasions before the police visit and confirmed that he signed the mahazar after it was written by the police.

48. PW11, the owner of Flat No. 3AH in the Earth Space Apartment, testified that he had rented his flat to a tenant named Rahul Raveendran under Ext. P26 rent agreement dated 10.06.2022. However, he clarified that said Rahul Raveendran is not currently staying in his flat. He stated that he had signed the document at the request of the caretaker, PW9 Rajendran after Rahul had signed. The documentary and oral evidence, when examined collectively, creates a complex link between the rental arrangements of the first accused and the address

appearing on MO12 courier parcel. Ext. P25, the rent agreement dated 15.06.2022 between T.M. Balan and the first accused, Ajmal N.M., establish that he was in lawful possession and occupation of Flat No. 5BB in Earth Space Transit Apartments, Nedumbassery, during the material period. This is further corroborated by the testimonies of PW5 and PW9, who both identified the first accused in court and confirmed that he was residing in Flat No. 5BB between June and September 2022, during which time parcels addressed in his name were routinely received at the security desk. PW10, the receptionist, and PW52, the investigating officer, also attested to the seizure of the Exts. P28 rent agreements and Ext P18 preparation of mahazars, which substantiate the accused's occupancy.

49. Although the address shown on MO12(a) and MO12(b) labels affixed to the MO12 courier parcel was not explicitly in the name of the first accused, the evidence indicates that the address corresponds to the apartment occupied by him. PW9, in cross-examination, acknowledged that while Ext. P26 rent agreement, for Flat No. 3AH, stood in the name of "Rahul Ravindran," the same address was the one from which the contraband parcel allegedly originated. This implies that although the parcel label bore a different name, the intended place of delivery was the premises linked to the first accused's residence. Further, the CCTV footage MO22 supported by Ext. P24 Section 65B certificate and the testimonies of PW7 and PW44 established that the first accused himself received the parcel from the Blue Dart/Swift Enterprises office after showing the tracking ID in his mobile possessed by him and thereby connecting him directly with the act of collection.

Therefore, even if the name on the MO12 label does not match that of the first accused, the surrounding circumstantial and corroborative evidence sufficiently demonstrates that the parcel was intended for him and that he consciously took delivery of it. This satisfies the requirement under Section 35 of the NDPS Act that the prosecution must establish conscious possession by proving that the accused had knowledge of the nature of the contents. The cumulative oral evidence of PW5, PW9, PW10, PW11, and PW52, coupled with Exts. P25 to P28, strongly supports this inference. Section 35 of the NDPS Act deals with the presumption of culpable mental state. It states that in any prosecution under the NDPS Act, the court shall presume that the accused had the requisite mental state, including intention, knowledge, and motive, unless the accused can prove otherwise. This shifts the burden of proof onto the accused to demonstrate that they lacked knowledge or intent regarding the possession of the drugs. Conscious possession refers to a scenario where an individual not only physically possesses a narcotic drug or psychotropic substance but is also aware of its presence and nature. In other words, it requires both physical control and mental awareness.

50. In Rakesh Kumar Raguvanshi v. State of Madhya Pradesh (2025 INSC 96), the Supreme Court reaffirmed and applied the principle laid down in Madan Lal v. State of Himachal Pradesh (2003) 7 SCC 465 concerning “conscious possession” under the NDPS Act held that this Court was dealing with a case where all the accused persons were travelling in a vehicle when they were nabbed and recoveries were made from them. The relevant extracts from the

said judgment are set out below: *Whether there was conscious possession has to be determined with reference to the factual backdrop. The facts which can be culled out from the evidence on record are that all the accused persons were travelling in a vehicle and as noted by the trial court they were known to each other and it has not been explained or shown as to how they travelled together from the same destination in a vehicle which was not a public vehicle. 20. Section 20(b) makes possession of contraband articles an offence. Section 20 appears in Chapter IV of the Act which relates to offences for possession of such articles. It is submitted that in order to make the possession illicit, there must be a conscious possession.*”

Possession is a flexible term that includes constructive possession, where a person has the power and control over the item, even without physical custody. When a parcel is delivered to the accused at his known address, and the accused himself receives it, the absence of his name on the label does not absolve him of culpability if other evidence shows knowing possession. Hence, though the label on MO12 does not bear the first accused's name, the prosecution has established through cogent oral and documentary evidence that the parcel was intended for and received by him, thus linking him to the contraband contained in MO1(a) and MO1(b).

51. In another aspect, the MO9 Apple I phone was seized from the 1st accused by PW1 as per ext P1 seizer mahazer which was submitted before the court as per property list Ext P144. Ext. P78 is the mahazar prepared in connection with the opening and examination of the MO9 Apple iPhone, belonging to the first

accused. The said phone was kept in the safe custody of PW52, the Investigating Officer. The safe custody of the device was reported by PW52 through Ext. P112, a report dated 16.09.2022, seeking authorization to retain the iPhone in police custody. The mahazar Ext. P78 and the procedure of examination were proved through the oral testimony of PW28, one of the attestors.

52. According to PW1, during the body search of the first accused, a mobile phone was seized from the left pocket of his jeans. The witness deposed that, using the password provided by the first accused, he unlocked the phone and gave a missed call to his own official number. All these proceedings were contemporaneously recorded in Ext. P1, the seizure mahazar prepared by PW1. The phone was sent to cyber analysis of material objects to Regional Forensic Science laboratory, Kochi for retrieving the data including the whatsapp chat and voice messages as per Ext. P149 forwarding note. The mobile phones were sent for retrieving the data therein sent through PW 37 which corroborated with the ext P 83 receipt from the regional forensic science laboratory. Ext.P157 is the report and the Ext. P157(a) is the CD in which the data of the report was written and received in the court and marked through the investigating officer. As per Ext. P157 examination report No. DD.No.814/2022, dated 16.05.2022 with ref.No. D.No. 9609/2022 dated 08.11.2022, the seal was intact and tallied with specimen seal impression. In the report Q1 indicates Apple i-Phone mobile seized from 1st accused with IMEI (International mobile equipment identifier) (1)No. 352828113716367, IMEI (2) No. xxxx3500175, SIM card No.

89910274411002864488 ICCID is integrated circuit card identifier, - 89910274411002864488. As per the report, the name on the phone is Mohammed's iPhone and the phone sim number is 9061430363.

53. The details in Ext.P157 and 157(a) report is corroborated by the Ext. P1 mahazar specifically records that upon unlocking the phone using the password disclosed by the first accused, the device name appeared as "*Mohammed's iPhone*". The model was identified as *Apple iPhone 12 Pro*, bearing Model No. MWCG2HN/A, and the IMEI numbers were noted as 352828113716367 and 352828113500175. When a call was dialled from the said iPhone to the official number of PW1, the outgoing number displayed on his phone was 9061430363, confirming the active number associated with MO9. The phone contained a Vodafone Idea SIM card bearing SIM No. 8991027441102864488. The SIM card found in MO9 the Apple iPhone was confirmed to be a Vodafone Idea Ltd., connection. To substantiate this, the prosecution examined PW51, who was an alternate Nodal Officer in place of CW54, the former Nodal Officer of Vodafone Idea Ltd., Kerala Circle. PW51 was examined through video conferencing.

54. According to PW51, during the year 2023, CW54 was serving as the Nodal Officer for Vodafone Idea Ltd., Kerala Circle. However, since CW54 had resigned from service in 2025, PW51 appeared on behalf of the company as the alternate officer. PW51 produced and identified the customer account opening form Ext. P103 and the call detail records (CDRs) of the relevant mobile number, which were accompanied by Ext. P102 the certificate under Section 65 B of the

Indian Evidence Act. PW51 deposed that, as per the customer application form, the subscriber name corresponding to the SIM inserted in the Apple iPhone (MO9) was Vaidehi T.S., daughter of Surekha P.R. The address provided in the application corresponded to the details furnished in the official Vodafone Idea subscriber database. The said subscriber, Vaidehi T.S., was examined by the prosecution as PW43 to confirm the ownership and usage details of the SIM card that was found inserted in the iPhone seized from the first accused.

55. PW43, who is a crucial witness, examined to establish the link between the Vodafone SIM card recovered from the Apple iPhone of the first accused and its original registration. She deposed that she was acquainted with the first accused Ajmal and the second accused Afsal. According to her, 1st accused once requested her to obtain a Vodafone SIM card in July 2022. Believing him to be a close friend, she took a SIM card from the Vodafone office at Vazhakkala using her Aadhaar card issued from her Irinjalakuda (Kompara) address and immediately handed it over to 1st accused at the store itself. She further deposed that she never used the SIM herself and was unaware of its later use or of any criminal activities by 1st and 2nd accused, she admitted that both were known to consume narcotic substances. In cross-examination, she denied the suggestion that she voluntarily obtained and handed over the SIM card to the 1st accused. The testimony of PW51, the alternate Nodal Officer of Vodafone Idea Ltd., corroborates the evidence of PW43, who issued Ext P105 the S.65 B Evidence Act certification for the Ext P103 account opening form in the name of PW43.

According to him, as per Ext. P 103, the date of application is 22.07.2022 and as per the call details from 01.08.2022 to 15.09.2022 is submitted. Thus it is clear that the phone connection was obtained very recently to the alleged transaction. The IMEI number of the seized phone tallied with the number reflected in the call detail records produced by PW51, thereby confirming the usage of the SIM in the device possessed by the first accused. As per Ext. P157 reports and the data reflected in Ext. P157(a) CD attached with the forensic report, the mail ID linked with the MO9 phone is ajmalnm1616100@gmail.com. Ext P.85 is the customer application form of Axis bank through which the 1st accused opened the a/c no 921020051634980. In Ex. P85 application form the e-mail ID provided by the customer, 1st accused was ajmal1616@gmail.com and Ext. P85(a) is the Aadhar copy of 1st accused bearing No. xxxxx4208. The same Aadhar details were provided by the 1st accused as per Ext. P92 and P95 before obtaining a prepaid Jio connection as corroborated by PW49, the state nodal officer of the Jio Info Company. According to him, the mobile No. 9074612592 is the Jio connection given in the name of the 1st accused. MO4 is the Aadhar card of 1st accused bearing No. xxxxx4208. In a cogent reading of the evidence of PW43, PW51 and PW1 forms a consistent chain establishing that although the SIM card was formally registered in the name of PW43, it was procured at the request of the first accused and handed over to him immediately after issuance. The technical and documentary evidence, coupled with seizure testimony, clearly indicates that the SIM was being used by the first accused in his MO9 iPhone. Hence, the

prosecution has satisfactorily proved the conscious possession and knowledge of the first accused in relation to the device and communication used in connection with the alleged offence, thereby negating any claim of mere accidental or unknowing possession.

56. According to PW7, tracking code was written on the MO12(a) label. She identified that MO12 cover came as a parcel through the courier and when the tracking code is detected, it is clear from where the parcel was sent. She affirmed that through tracking the ID, the parcel came from Mumbai. Her testimony is corroborated with the address provided in MO12(a). The shipper name is RS Enterprises, Nallasapora. Ext P110 is the shipment receipt from RS enterprises seized as per Ext P109 seizer mahazar prepared by PW1 and to PW52, which was not proved through any of the mahazer witnesses.

57. According to PW52 for further investigation regarding the contraband arrived through Mo12(a) parcel he obtained the custody of 1st accused from Sessions Court, Ernakulam. As per the file records, Crl. MP 2619 of 2022 is the petition filed by the Public Prosecutor on behalf of PW52 to obtain the police custody of the 1st accused for further investigation. Specifying the grounds for custody, he obtained the contraband from Mumbai and is suspected as a chain of narcotic racket and also specifically mentioned that the custody is needed for investigation including to take him to Mumbai, and also to investigate his financial transaction. Crl. MP 2619 of 2022 was allowed by the Hon'ble Sessions Court,

Ernakulam on 23.09.2022. As per the order the custody of the 1st accused was given to PW52 from 1.30 p.m. of 23.09.2022 till 3.00 p.m., on 30.09.2022.

58. According to PW52, the investigating team headed by PW1 with the ascension of superior officer, DGP was sent to Mumbai for further investigation along with the accused. Testimony of PW1 corroborates this fact, according to him on 25.09.2022, as per the direction of PW52 along with ASI Anto PW23, CPO Shyam PW 48, CPO Jeemon and driver CPO Prasad, went to Mumbai by road for further investigation. While cross-examining PW1 deposed that from 25.09.2022 at 11.00 a.m., to 30.09.2022 the first accused was in his custody and receiving the 1st accused in custody was noted in the GD. The defense also challenges handing over custody of 1st accused received by PW52 to PW1 through detailed cross examination of PW52. PW 52 admitted that the time of re-submitting of the 1st accused on 30.09.2022 is not mentioned in the subsequent remand report which was marked Ext. C1 and instance of defence counsel as it is a part of court records. It is also evident from the proceedings of the case that the accused was submitted back under escort with a remand report dated 30.09.2022 by PW52 detailing that the 1st accused was examined and evidence was collected regarding MDMA, Hashish Oil and LSD stamp, from Mumbai by taking the accused to Mumbai and the medical examination reports of 1st accused, dated 25.09.2022 and 30.09.2022 from Taluk Hospital Angamaly and in Group A Gadit Bhimsen Joshi General Hospital, Meera - Bhainder District, Thane, dated 26.09.2022 at 8.09 hours, and on dated 28.09.2022 at 10.40 a.m., in the name of Ajmal Majeed. He also affirmed

that the presidential passport was obtained for transporting the 1st accused along with the investigating team, which was not produced before the court.

59. The defense counsel vehemently challenged the handing over of custody to PW1, who was the detecting officer in this case. The defense arguments undermine the principle of “delegatus non potest delegare”. In **Sidhartha Sarawgi v. Board Of Trustees For The Port Of Kolkata And Others AIR 2015 SC 1271** The Supreme Court of India acknowledged that while the maxim "*delegatus non potest delegare*" is well-established, there are exceptions, especially when the statute permits further delegation or when administrative necessity demands it. The Court noted that the maxim gives way when the situation requires delegation for effective functioning. **Marathwada University v. Seshrao Balwant Rao Chavan 1989 AIR 1582** The Court observed that the maxim should not be applied rigidly and that sub-delegation might be permissible if the statute's language, scope, or object indicates such an intention. In the context of police investigations, especially under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, the Investigating Officer (IO) often leads a team comprising various officers, including those of lower rank, to carry out specific tasks. The delegation of certain operational duties, such as escorting an accused for investigation, is generally considered a practical necessity and is typically permissible unless explicitly prohibited by law. Given the practical necessities of police operations that allow for reasonable delegation of duties within a team, the defense's argument based solely on the principle of "*delegatus non potest delegare*" may not be sustainable.

Unless there is a specific legal provision that prohibits the detecting officer from performing such duties under the supervision of an Investigating officer. In **State of Rajasthan vs Bheeru lal** reported in **2013 AIR SC 2288** in para 14 hon'ble supreme court held in para 14 that *"Though the principle was stated in a different context, yet the dictum laid down therein is clear as crystal that there cannot be literal interpretation of Section 42(1) of the Act. The provision employs the words "empowered in this behalf by general or special order of the State Government." The notification has stated "any Sub Inspector posted as Station House Officer". The High Court has acquitted the respondent solely on the ground that Rameshwar Prasad was posted as the Station House Officer and not Parveen Vyas, who conducted the search, seizure and arrest. It is the accepted position that Parveen Vyas, PW-2, was given temporary charge of the Station House Officer at the relevant time. He received information from the reliable source. He complied with the other necessary requirements and proceeded to the spot to trap the accused. Any delay would have allowed the accused to escape. As per the notification a Sub Inspector of Police can be posted as Station House Officer and at the relevant time PW-2 was in-charge Station House Officer. There is no justification to place unnecessary importance on the term "posted". He was, in fact, in- charge of the post of Station House Officer at that juncture. In our considered view, such a literal and technical approach would defeat the principle laid down by the Constitution Bench in Karnail Singh's case. Therefore, the search, seizure and arrest carried out by him would not make the trial ab initio void. Thus, the*

irresistible conclusion is that the High Court has fallen into grave error by opining that Section 42(1) of the Act was not complied with as the entire exercise was carried out by an officer who was not authorised. In the present case the delegation to PW1 by PW52 was not made for search and seizure of contraband and the arrest of the accused, but it was done for collecting subsequent evidence as part of investigation as per the disclosure of the accused. Hence the defence taken by the accused on irregularity of procedure adopted by PW52 by entrusting the custody of first accused to PW1 and sending him with the constituted team member to Mumbai may not be sustainable. The irregularities in the investigation did not invalidate the evidence collected through such investigation. Therefore, based on the prevailing law, there is no illegality in the investigation conducted by PW1 under supervision of PW 52. Moreover, in Hon'ble Supreme Court in ***Kader alias Kader Babu v. State of Kerala*** held that merely because the detecting officer is also the investigating officer (or an officer of same rank) will **not** vitiate proceedings under the NDPS Act **in the absence of proof of specific prejudice to the accused. Earlier, decisions like *Naushad vs State of Kerala (2000)* held that the detecting officer being also IO was problematic. But in *Kader* this view was overruled in part, with the apex court saying that the earlier position in *Naushad* is no longer universally applicable. The Hon'ble Supreme Court Held that “if the detecting officer and investigating officer are one and the same person, prejudice to the accused is inferred and accused is entitled to an acquittal on that ground” (Mohanlal V. State of Punjab AIR 2018 SC 3853).** The Constitution

Bench specifically overruled Mohan Lal on 31-8-2020. *“In a case where the informant himself is the investigator, by that itself cannot be said that the investigation is vitiated on the ground of bias or the like factor. The question of bias or prejudice would depend upon the facts and circumstances of each case. Therefore, merely because the informant is the investigator, by that itself the investigation would not suffer the vice of unfairness or bias and therefore on the sole ground that the informant is the investigator, the accused is not entitled to acquittal. The matter has to be decided on a case to case basis. A contrary decision of this Court in the case of **Mohan Lal v. State of Punjab 2018 (4) KHC 387** and any other decision taking a contrary view that the informant cannot be the investigator and in such a case the accused is entitled to acquittal are not good law and they are specifically overruled”.* (**Mukesh Singh v. State AIR 2020 SC 4794**).

60. Even when the same officer plays more than one role (detecting + investigating), the investigation must be fair, judicious; there must not be bias, nor any appearance of unfairness or dereliction of statutory safeguards. If such prejudice arises, that can vitiate the case. PW1, being a detecting officer / team member, can perform detection, seizure, sampling, etc., having him lead a sub-team is not *per se* objectionable under NDPS, especially if PW52 remains the overall IO and custody-holding officer. The law does not force that detecting and investigating must always be entirely separate persons, *unless prejudice arises*. The crucial thing is: custody must at all times be under the authority of the

investigating officer, that proper procedural safeguards are followed, accused produced before magistrate within statutory time, etc. If PW52 gives operational control / custody of the accused temporarily to PW1 as part of the team, but remains responsible overall, and statutory rights of the accused are preserved, that may be acceptable. If the accused was taken to Mumbai properly, investigation continued lawfully, report filed, etc., this may not be vitiated. If the accused is able to show that because PW1 being the detecting officer had control in investigation, some bias, tampering, or denial of rights occurred, that will affect the credibility of the prosecution case.

61. The prosecution examined PW1, PW23, and PW48 in order to prove the investigation conducted in Mumbai pursuant to the declaration made by the first accused. According to PW1, the first and second accused resided at Sona Lodge and Residency from 04.09.2022 to 06.09.2022 in Room No. 202. Thereafter, on 09.09.2022, the first accused stayed in Room No. 204 along with a lady named Suhani Kheemlal Sahu, as declared by him. In order to substantiate this, copies of the visitors' register from Sona Lodge for 04.09.2022 and Ext.P61 register copy dated 09.09.2022 were seized by PW1 under Ext.P58 seizure mahazar. The registers were later returned to the lodging officials as per Ext.P106 *Kaicheet*. Ext. P59, P60, P61, P62 and P106 were submitted before the court as per Ext. P140 property list.

62. As per Ext. P59 register, the Alif Muhammed Saifudheen and muhammed Afsal (A2) were the guests and their date of arrival is 7.45 p.m. and

date of departure on 06.09.2022 at 1.30 p.m., the Aadhar number provided are 3790xxxxx3099 and 8618xxxxx5403. The mobile numbers provided were 9539024221 and 9061343463. The copies of both ID proof were photocopied in a single paper Ext. P61 and in Ext. P61, the visitors' names are Alif Muhammed Saifudheen and Suhani Kheemlal Sahu, the date of arrival 09.09.2022 at 4.25 p.m., date of departure was 10.09.2022 at 6.20 p.m. The ID proof provided is 3796xxxxx3099 with phone No. 9061430312. Even though some digits in mobile numbers are different, the Ext. P2, ID proof is that of Alif Muhammed Sasifudheen. The attester in Ext. P58 mahazar for Ext. P59 to P62 documents were attested by one Rakesh from Mira road, Thane and PW23- Anto, ASI, a team member.

63. According to PW1, as per the declaration made by the first accused they seized visitor's register copy as per Ext. P63 mahazar from Golden residency Hotel, Satheesh Enclave, Bhayander, in which PW23 and one Deepak Shetty from Golden Residency are the attestores. Along with Ext.P64 register PW1 seized Ext. P65 copy of Aadhar card of the visitor. As per Ext. P64 on 10.09.2022 at 8.00 p.m., one Alif Muhammed Saifudheen occupying room No. 102 with Aadhar ID No. 3790xxxxx3099 and phone No. 9061430363. The seized original register was returned to Ravi Shetty as per Ext. P107 Kaicheet. Ext. P64, P65 and P107 were submitted before the court as per Ext. P140 property list.

64. According to PW1, first and second accused resided in Le grante Lodge, Andheri and the guest register, Ext. P67 and the tax invoice Ext. P68 and

ID proof provided Ext. P69 were seized as per Ext. P66 seizure mahazar in which PW 23 and one Shiv Duby were the attestors. As per Ext. P67, the name of the second accused is mentioned and two persons occupied in room No. 309. The time of arrival was 03.09.2022 at 8.01 am., and departure at 04.09.2022 at 13:48 hours. The same is corroborated by Ext. P68 tax invoice issued in the name of Muhammed Afsal(A2) and Alif Muhammed Saifudheen. Copy of ID proof of both visitors were photocopied in a Ext. P69 single paper with 8618xxxx5403 that of second accused and Alif Muhammed Saifudheen 3790xxx3099, in which room No. 309 and mobile numbers of both visitors were noted in handwritten. The original hotel register was returned to Le Grante official, Shiv Duby as per Ext. P108 Kaicheet and Ext. P67, P68, P69 and P108 were submitted before the court as per property list Ext. P140.

65. PW23 is the attestor in all Exts. P58, P63, P66 seizure mahazars from the three Hotels named, Sona Lodge, Golden Residency and Le Grante. According to PW 23, a Grade Asst. Sub-Inspector at Angamaly Police Station, deposed in tune with that of PW1 with respect to the seizure of material objects submitted before the court as per property list Ext.P140. According to PW1 and PW 23, the staff of above said three lodging identified the first accused as stated in their Hotels in respective days. He identified all MOs. While cross-examining, PW 23 admitted that he assisted PW1 in Mumbai and also assisted PW 52 within Kerala state. According to PW48, a member of District Anti-Narcotic Special Action Force(DANSAF), he accompanied PW1, PW23 and SCPO - Jeemon and Driver

Prasad, when they went to Mumbai on 25.09.2022 and corroborated the evidence of PW1 and PW23. The prosecution placed CW19 to 23, in order to prove the Ext. P58, P63, P66 mahazars and Exts. P106, P107, 108 Kaicheet, who all are from other states. The prosecution has not examined CW 19 to 24 neither examined nor given up. Since, the presence of these witnesses were not assured even after issuing coercive steps, the Crl. MP filed by the prosecution seeking more time for securing their presences, was not allowed and the case is time bound as per order dated 09.09.2025 of the Hon'ble High Court of Kerala in bail application No. 4901/2024. Since, their presence is not secure without any delay and in the light of this said order, this court given up CW 19 to 24 by dismissing Crl. MP.No.2593/2025.

66. “In ***State (NCT of Delhi) v. Sunil, 2001(1) SCC 652*** the Hon'ble Supreme Court again held that “ *it is an archaic notion that actions of the police officer should be approached with initial distrust. 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 preposition of law, the presumption should be the other way round. That official acts of the police have been regularly performed is a wise principle of presumption and recognised even by the legislature* ”.

67. The prosecution alleged that the first accused resided in Sona Lodging, Golden Residency, Le-Grante Hotel, by utilizing Ext. P60, P62, P65 and P69 copy of ID proof in the name of Alif Muhammed Saifudheen. In order to substantiate this claim and to prove the impersonation done by the first accused, by

providing another name and ID proof, examined the person's name Alif Muhammed Saifudheen as PW 47. According to PW 47 he was in the Gulf till 2021, and in 2022 his PAN card and Aadhar card kept in the purse were misplaced along with the purse. He blocked the bank cards and he identified MO5, the copy of his Aadhar and MO26, his original PAN card. Even though PW47 turned hostile, his evidence upto his missing his purse including MO5 and MO26 can be accepted as MO5 copy of Aadhar card was recovered from the pocket of 1st accused while his body search by the PW1 and MO26 was seized by PW52 while conducting house search of 2nd accused. The defence attempted to shake the credibility of PW47, by pointing out that PW 47 is an accused in a NDPS case. Whether the witness is an accused or convicted person in some other similar case does not at all affect the credibility of the witness, if the other case is directly or indirectly connected with the present charge.

68. Additionally the ID proofs in the name of Alif Muhammed Saifudheen in Ext. P 60, P65 and P69 are copies of MO5. The same ID number was given by the first accused to PW7 at Blue dart DTH Courier Center, when he received the MO12 parcel. In the Ext.P20 delivery sheet, dated 15.09.2022 against the name Rahul K.R., the Aadhar ID number entered by PW7 was 3790xxxx3099. This fact is corroborated by the visuals in MO 22 as deposed by PW7, PW8 and PW40 as at 10:45:37 hours, first accused came to Blue Dart for obtaining the parcel and at 10:45:56 hours, the courier details were narrating to PW7 at 10.48:41 hours, PW7 find out the red parcel and brought to deliver it and at 10:49:19 hours,

PW 7 is entering the tracking code in the delivery sheet and in 10:49:27 hours, she asking the ID proofs and at 10:49:38 , the accused is giving an ID proof from his pocket. 10:50:00 the delivery sheet is given to the first accused to put his signature and at 10:50:09 a.m., PW7 gives the red parcel to the first accused and at 10:50:14 a.m., the first accused returns with the parcel received. PW7 answered the court question, when MO5 and Ext. P20 was shown to the witness that the same Aadhar number seen in MO5 was entered in Ext.P20 delivery sheet. The evidence of PW7 is corroborated by that of PW8 and PW 40, who submitted the MO22.

69. From the Conjoint reading of testimony of PW1, PW 23, PW47, PW 7, PW 8 corroborated with Ext. P 60, P65, P 69, MO5, Ext. P 20 and MO 22, proved the fact that the first accused utilized the ID proof of PW47 and stayed at Sona Lodging, Golden Residency and Le-Grante Hotel and he utilized the same ID to receive the MO12 parcel from PW7 and thereby he cheated by personation.

70. As discussed above, the prosecution has succeeded in proving that the first accused was in possession of MDMA contained in the courier parcel collected from Blue Dart Courier Service, which was seized from the vehicle bearing registration No. KL-04-AH-4823. It is also proved that he was in possession of hashish oil and LSD stamps, which are other kinds of narcotic drugs and psychotropic substances found on his person. In **Megh Singh v. State of Punjab AIR 2003 SC 3184** the Hon'ble Supreme Court held that *"Once possession is established the person who claims that it was not a conscious possession has to establish it, because how he came to be in possession is within his special*

knowledge". S.35 of the Act gives a statutory recognition of this position because of presumption available in law. Similar is the position in terms of S.54 also. Presumption is available to be drawn from possession of illicit articles. S.35 says that in any prosecution for an offence under the NDPS Act which requires a culpable mental state of the accused, the Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. The Explanation makes it further clear that "culpable mental state" includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact. The circumstances pointed out earlier would clearly show that both the accused had the motive and knowledge of the fact. Similarly U/s 54 (a) of the act, it may be presumed that the accused has committed an offence under chapter IV in respect of any narcotic drug or psychotropic substance; or the possession of which he fails to account satisfactorily. In **Noor Aga v. State of Punjab 2008 (16) SCC 417** S.35 and 54 of the Act, no doubt, raise presumptions with regard to the culpable mental state on the part of the accused as also place burden of proof in this behalf on the accused; but a bare perusal the said provision would clearly show that presumption would operate in the trial of the accused only in the event the circumstances contained therein are fully satisfied. An initial burden exists upon the prosecution and only when it stands satisfied, the legal burden would shift. Even then, the standard of proof required for the accused to prove his innocence is not as high as that of the prosecution. The Court must always remind itself that it is

a well-settled principle of criminal jurisprudence that the more serious the offence, the stricter is the degree of proof required. A higher degree of assurance, thus, would be necessary to convict an accused. Hence, strict compliance with the statutory mandate and procedural safeguards under the NDPS Act is necessary, as these provisions were introduced with the specific purpose of ensuring fairness in investigation, preventing misuse of power by enforcement agencies, and safeguarding the rights of the accused in view of the stringent punishments prescribed under the Act.

71. As per Section 42(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, any officer empowered under the Act who has reason to believe, from personal knowledge or upon information reduced to writing, that any narcotic drug or psychotropic substance, or any article or document furnishing evidence of the commission of an offence under the Act, is kept or concealed in any building, conveyance, or enclosed place, may between sunrise and sunset, enter, search, seize, and arrest in connection with such offence. In the present case, on 15.09.2022 at about 1.27 p.m., PW1, the detecting officer, received specific and reliable information that a person was in possession of narcotic drugs in a red Tata Nano car bearing registration number KL-04-AH-4823, which was parked in the parking ground of Malabar Gold Jewellery, Angamaly. Since the said parking area formed part of the private premises of the showroom, it constituted an enclosed place, thereby attracting the procedural safeguards mandated under Section 42 of the NDPS Act.

72. In exercise of the powers conferred under Sub-Section (1) of Section 42 and Section 67 of the NDPS Act, and in supersession of the earlier order issued in G.O. (Ms) No.137/85/TD dated 07.11.1985, the Government of Kerala, through G.O. (Ms) No.146/90/TD dated 22.10.1990 and published as S.R.O. No.1730/90 in the Kerala Gazette dated 18.12.1990, empowered all officers in the Police Department of and above the rank of Sub-Inspector of Police and all officers in the Excise Department of and above the rank of Excise Inspector to exercise powers and perform duties specified under Section 42 within their respective jurisdictions. The notification also authorized such officers to exercise powers under Section 67 of the Act. Accordingly, PW1, being a Sub-Inspector of Police, was an officer duly authorized to act under Section 42 of the NDPS Act.

73. Immediately upon receiving the information, PW1 reduced the same into writing as Ext. P2, in strict compliance with Section 42(1). To ensure adherence to the statutory requirement under Section 42(2), he prepared Ext. P3 report and forwarded it through PW4 to his immediate superior officer, PW52, who was competent to receive such reports. PW52 has deposed that he received Ext. P3 on 15.09.2022 at 5.05 p.m., which bears his acknowledgment and official seal. Exts. P2 and P3 clearly record the nature of the information, the description of the suspect, and the precise location where the contraband was suspected to be concealed. The oral testimonies of PW1, PW4, and PW52, when read conjointly with Exts. P2 and P3, establish that the requirements of Section 42(1) and (2) were fully complied with in a contemporaneous and credible manner. The forwarding of

the report within a few hours of receiving the information demonstrates prompt compliance, well within the statutory period of 72 hours prescribed for such communication.

74. The defense argued that Ext. P3 is not an exact copy of Ext. P2 as mandate under Section 42(2) of the Act, which requires ‘copy’ of written information to be forthwith sent to the superior officer. The object is to ensure transparency and to prevent fabrication and to maintain a contemporaneous record of action before the search. In **Karnain Singh v. State of Haryana, 2009 (8) HCC 539**, constitution bench clarified that strict compliance of Section 42 is mandatory but total non-compliance is fatal and in **State of Punjab v. Balbir Singh, 1994 (3) HCC 299**, the Apex Court held that “ *the officer must reduce the information into writing and sent to superior, but it is not required that carbon of the photocopy of the same, physical document, be sent so long as the contents are same*”. In the present case, the content of Ext. P2 or the P3 are the same and the accused contention regarding non-compliance of Section 42(2) will not sustain.

75. Thereafter, PW1 proceeded to the specified location and found the red Tata Nano car bearing registration number KL-04-AH-4823 parked in the showroom’s parking area, with the driver seated inside. Acting under the powers conferred by Section 42(1), PW1 conducted a search of the vehicle, during which MDMA was detected and seized. The seizure was made in the presence of independent witnesses, and all materials used for concealing and transporting the contraband were taken into custody. Since the vehicle had been used for the

transportation of narcotic substances, it was seized under the provisions of Chapter V-A of the NDPS Act.

76. PW22, the Assistant Motor Vehicle Inspector, conducted a mechanical inspection of the vehicle and prepared Ext. P57 inspection report, confirming that it had no mechanical defects. He identified the vehicle as a Tata Nano car bearing registration number KL-04-AH-4823, registered in the name of PW35, Shameer K.A. PW35 testified that he had transferred possession of the vehicle to the father of the first accused, who was then working abroad, under an agreement marked as Ext. P80, though the ownership had not been formally changed in the registration records. Ext P80 sale agreement for nano car was seized by P52 as per Ext P79 mahasar in which PW 31 was an attesor and submitted before the court as per Ext P141 document list. The Ext. P82 registration certificate particulars were also seized and produced before the Court, as reflected in the Ext. P140 Document List and Ext. P154 Property List. In ***Rizwan Khan v. State of Chhattisgarh 2020 (5) SCC 142*** The Hon'ble Supreme Court held that *“to prove the case under the NDPS Act, the ownership of the vehicle is not required to be established or proved. It is enough to establish and prove that the contraband articles were found from the vehicle. Ownership of the vehicle is immaterial. What is required to be established and proved is the recovery of contraband articles and the commission of the offence under the NDPS Act.”* PW35 identified the MO17 series photographs of the Tata Nano Car.

77. PW1 also prepared contemporaneous documents at the place of occurrence, including Ext. P7 arrest memo, Ext. P8 inspection memo, and Ext. P9 custody memo, which collectively establish that the arrest of the accused and the ensuing search and seizure were carried out in a lawful and procedurally regular manner. The evidence of PW1, PW4, and PW52, supported by Exts. P2 and P3, clearly demonstrates strict compliance with the mandatory requirements of Sections 42(1) and 42(2) of the NDPS Act. Under Section 114 of the Indian Evidence Act, the Court is entitled to presume that official acts have been regularly performed. Illustration (e) of the section further authorizes such a presumption in respect of official documents bearing due acknowledgment and seal. In the absence of any evidence to the contrary, the Court may therefore safely presume that the procedural requirements under Section 42 were duly complied with. The collective analysis of the above said oral and documentary evidence proved that the search and seizure conducted by PW1 were in strict conformity with the statutory mandates of S. 42 of the NDPS Act.

78. S. 50 of NDPS Act: As already discussed, the evidence of PW1 to PW3 and PW19, when read conjointly with Exts. P4 and P5 notices clearly demonstrate strict compliance with the mandatory requirements under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Section 50 mandates that when any officer, duly authorized under the Act, is about to search a person, he must inform such person of his legal right to be searched in the presence of a Gazetted Officer or a Magistrate. In the present case, the evidence reveals that

prior to conducting the personal search of the accused, PW1 had duly apprised him of this legal right, and such intimation was reduced into writing through Exts. P4 and P5. The acknowledgment of the accused, evidencing his understanding of the option available to him, was also recorded. Thereafter, the search was conducted in accordance with the choice expressed by the accused. The contemporaneous documentation, coupled with the oral evidence of the detecting officer and the attesting witnesses, conclusively establishes that the procedural safeguard envisaged under Section 50, which serves as an important protection against arbitrary searches, was properly complied with. Thus, the personal search of the accused was conducted in conformity with the statutory mandate, ensuring the legality and validity of the recovery made therefrom.

79. Compliance of S. 52: As per Section 52(1) of the NDPS Act, any officer arresting a person under Sections 41, 42, 43, or 44 shall, as soon as may be, inform the person of the grounds for such arrest. The records reveal that PW1, the detecting officer, duly complied with this statutory requirement. The grounds of arrest were specifically communicated to the first accused through Ext. P6 arrest notice, which was duly acknowledged by the accused. The acknowledgment on Ext. P6 substantiates that the accused was made aware of the reasons for his arrest at the earliest point of time. Thus, the statutory mandate under Section 52(1) stands satisfied.

80. Further, Section 52(3) stipulates that every person arrested and every article seized under Sections 41, 42, 43, or 44 shall be forwarded without

unnecessary delay either to (a) the officer-in-charge of the nearest police station, or (b) the officer empowered under Section 53 of the Act. Section 53 empowers certain officers of the Central and State Government departments such as excise, customs, narcotics, or revenue intelligence, by notification, to exercise powers of an officer-in-charge of a police station for investigation of offences under the Act. Complementing these provisions, Section 55 of the NDPS Act specifically lays down the duties of the officer-in-charge of a police station concerning seized narcotic drugs. It mandates that the officer-in-charge shall take charge of and keep in safe custody all articles seized under the Act within the local jurisdiction and which may be delivered to him. He is also required to affix his seal on such articles and on the samples drawn from them, pending orders from the jurisdictional Magistrate. The purpose of this provision is to ensure the sanctity of the seized material, to prevent the possibility of tampering, substitution, or contamination of the samples, and to maintain an unbroken chain of custody from the point of seizure until production before the court.

81. In the present case, PW1, a Sub-Inspector of Police, was the detecting officer who, acting on reliable information, detected and seized contraband substances including MDMA, Hash Oil, and LSD from the conscious possession of the first accused. According to PW1, after the seizure, he prepared the necessary contemporaneous documents and then proceeded to the Angamaly Police Station along with the accused, the seized materials, and the supporting records. PW1 stated that he kept the seized contraband in his safe custody overnight and

produced the same before PW52, the Station House Officer (SHO) of Angamaly Police Station, on the following day, i.e., 16.09.2022. However, a significant procedural irregularity arises at this juncture. While PW1 claims to have kept the seized articles in safe custody, the prosecution has not produced any documentary evidence such as a 'thondi' list, property register entry, or general diary (GD) extract to substantiate that the contraband was indeed secured in a designated, sealed, and tamper-proof location. Further, PW52, the SHO who admittedly received the seized materials, has not offered any clear testimony as to the exact time and manner of receipt of the contraband from PW1. The only available record is that PW52 produced the accused, the seized articles (MOs), and the records before the jurisdictional Magistrate on 16.09.2022 at 4.50 p.m. This lack of evidence regarding the chain of custody between 15.09.2022 (the date of seizure) and 16.09.2022 (the date of production before court) creates a serious doubt. The NDPS Act being a special statute with stringent penal consequences, requires strict adherence to procedural safeguards. Non-production of the 'thondi' register, GD entries, or other corroborative records showing safe custody of the seized materials renders it difficult to rule out the possibility of tampering or mishandling during the intervening period.

82. The defence has rightly pointed out this procedural lapse, highlighting that PW1, being only a Sub-Inspector, is not the officer-in-charge of the police station within the meaning of Section 55. Consequently, his act of keeping the seized contraband in his personal custody, without proof of proper sealing or

deposit with the SHO, constitutes a material irregularity. Moreover, PW1 himself admitted in cross-examination that the seal affixed on all material objects (MOs) was not his personal seal but that of the Angamaly Police Station. This admission further emphasizes the absence of clarity as to who sealed the contraband, when, and under what circumstances, issues which are vital to maintaining evidentiary integrity. The **Supreme Court in *State of Rajasthan v. Sahi Ram* [(2019) 10 SCC 649]** has held that temporary retention of seized contraband by the detecting officer would not invalidate the prosecution case if the prosecution proves beyond doubt that the articles remained sealed and untampered until produced before the competent authority. Likewise, in ***Union of India v. Mohanlal* [(2016) 3 SCC 379]**, the Court emphasized the need for scrupulous compliance with Sections 52 and 55, observing that preservation of seized narcotics in a secure and verifiable manner is essential to sustain the integrity of prosecution evidence.

83. In the present case, although PW1 produced the seized articles before PW52 on the very next day, the absence of contemporaneous records evidencing safe custody and the silence of PW52 regarding the condition in which the contraband was received, seriously weaken the prosecution's claim of due compliance with Sections 52(3) and 55 of the NDPS Act. The unexplained gap in the custody of the contraband from the time of seizure till its production before the court is a serious procedural defect, and unless adequately explained, it strikes at the root of the prosecution's case. While the compliance under Section 52(1) regarding communication of arrest grounds is duly proved through Ext. P6, the

evidence falls short of establishing full compliance with Sections 52(3) and 55. The prosecution has failed to demonstrate, through credible documentary evidence, that the seized materials were kept in safe custody during the intervening period. This omission creates a reasonable doubt as to the integrity of the seized contraband and continuity of possession, which are indispensable in sustaining a conviction under the NDPS Act.

84. Section 57 compliance: according to PW1 the seizer mahazar was drawn up and concluded at 7:15 p.m. on 15.09.2022, the accused and the seized articles were thereafter brought to the police station and Ext.P11 FIR No.905/2022 was registered the same night. An express report was prepared and forwarded to the superior officer on the same day and PW1 deposed that the arrest of the 1st accused was communicated to the PW52 through Ext. P10 S.57 report. The testimony of PW1 corroborated with Ext. P 11 FIR and Ext.P12, the correction report explain the variation in the time entries in the FIR records i.e., 19:15 hrs recorded in one place, 19:30 hrs as the actual time of arrival at the station which was arose while system entries and show that the apparent discrepancy arose from typing entry formalities rather than from any deliberate concealment or failure to report.

85. PW1 further deposed that an express report regarding the seizure and arrest was prepared and forwarded to the immediate superior officer that very day, which stands evidenced by Ext.P10. PW52, who received the said report at 8:00 a.m. on 16.09.2022, confirmed that the report was duly recorded and

acknowledged. The discrepancy in the time entries shown in the FIR and GD, as explained by PW1 through Ext.P12, was only a clerical correction arising from the system entry of 19:15 hours instead of the actual time of arrival at the station, 19:30 hours. The contemporaneous preparation of the mahazar, registration of FIR and dispatch of the express report within the same day demonstrate that the officer in charge promptly complied with the mandatory reporting obligation under Section 57 of the Act. Hence, it can be concluded that there was substantial and timely compliance with the statutory requirement prescribed under Section 57 of the NDPS Act.

86. As per the testimony of PW1, the detecting officer, the seized contraband items demarcated as P1, P3, and P4 were produced before the Judicial First Class Magistrate, Angamaly, on 16.09.2022 by PW52. The Ext. P13 inventory of seized narcotic drug entered in Annexure 1 u/s 52 A of the Act was received in Judicial First Class Magistrate, Angamaly, on 16.09.2022 , in which the Magistrate certified the satisfaction of entries in the inventory as per seizure documents and the consignments of seized goods related to the case, which is evident that, MO15(a) packets in sealed position was received in Magistrate Court on 16.09.2022. The Ext. P14 property list including the non contraband items seized from the first accused was also acknowledged in Magistrate Court on 16.09.2022. According to PW1, the sampling was conducted on 17.09.2022 in the presence and under the supervision of the Magistrate, as detailed in Ext.P15 proceedings. According to PW1, two samples of 5 grams each were drawn from the seized

MDMA which were packed, sealed and noted as MS1 and MS2 with MO18 and MO14 (b) respective labels. PW1 further stated that the sealed packet marked as P3 was opened and found to contain a small container. The packet marked as P4 was also opened and found to contain LSD stamps enclosed in aluminium foil. The LSD along with the foil was placed inside another evidence bag, sealed as per procedure, labeled as MS4, and packed. Thereafter, all the covers, including P1, P3, and P4, were wrapped together in brown paper, sealed in the prescribed manner, and marked as P6.

87. According to PW1, four sealed sample packets, MS1 to MS4, were then recorded in Form No.151, and the sampling proceedings were completed at about 4.00 p.m. on 17.09.2022. Ext. P16, the property list, contained the details of the samples drawn. PW1 also deposed that, in compliance with Section 52A(3) of the NDPS Act, an Annexure-II application had been prepared and appended to the case records. He further identified the sealed packet marked as MO14, which corresponded to the sample packet MS2 mentioned in Ext. P15 sampling proceedings, bearing the signatures of the Magistrate, PW1 and the witnesses PW2 and PW29. The packet contained 5 grams of the MDMA sample with marked as MS2. The MO15 sealed packet corresponding to P6 referred to in Ext. P15, was also produced before the court in sealed condition and bore the signatures of the Magistrate, PW1, and the witnesses. When the sealed packet MO15 was opened during trial, PW1 identified the covers contained within, marked as P1, P3, and P4, and the corresponding labels marked as MO15(a) to MO15(d). When the testimony

of PW1 was in progress, the sealed packets received from the chemical laboratory, each bearing the laboratory's label, were opened in court. They contained three brown covers marked as MS1, MS3, and MS4. The cover marked as MS1 with MO18 label contained a transparent flip pouch with remnants of samples, MS3 with MO19 label contained a white transparent flip pouch with MO21 a small black bottle and an orange lid; and MS4 with MO20 label contained a white transparent flip pouch with two small pieces of aluminium foil inside. MO 14 sealed packet with MS2 contained MO14(a) sample of 5 grams MDMA with MO 14(b) label. All the labels affixed to these packets bore the signatures of the learned Magistrate, PW1, and the witness.

88. The process was photographed as MO16 series and certified by the Magistrate. The remaining quantities were separately sealed and marked, and the inventory Ext.P16 was duly certified under Ext. P17 Annexure II under Section 52A(2) of NDPS Act, certified by the learned Magistrate after verifying the conformity of the samples with the seizure mahazars.

89. According to PW1, Ext. P15 was prepared while sampling in the presence of the Magistrate and the procedure completed at 4.00 p.m., on 17.09.2022. The defense counsel vehemently argued that Ext. P15 was prepared on 17.09.2022 by PW1 but it was presented before the Magistrate only 19.09.2022 as per Exts. P14 , P15 and P16. Although, Ext. P16 everything is detailed as to the course of sampling but actually the sampling was done on 19.09.2022. From the documents, it is evident that even though Ext. P15 is dated 17.09.2022, the court

seal of the Magistrate is dated 19.09.2022. The initial in all other documents submitted before the Magistrate dated 16/09/2022 is also seen in Ext. P15 which all are identical. Only in Ext P15, the initial carries the date 19/09/2022. Ext. P16 is a list of properties after sampling prepared by PW1 was also with an office seal of the Magistrate dated 19.09.2022. Ext. P17 Annexure II under Section 52 A(2) of the Act which is a request for certification of correctness of inventory and seeking permission to drawing respective samples in the presence of Magistrate and to certify its correctness of the list of samples so drawn and application under 52 A(3) for disposal of the balance contraband after taking samples. Ext. P17 dated 16.09.2022 was certified by the Magistrate that the list of samples drawn in his presence. But as per Ext. P15, samples were collected on 17.09.2022 and the learned Magistrate acknowledged the same on 19.09.2022. The official Magistrate Court seal seen on Ext. P16 also corroborated the defense version that sampling was conducted only on 19.09.2022. The proceedings were prepared by the sampling officer and not by the Magistrate. Even if we considered the arguments of the learned Public Prosecutor to fill the gap as 17.09.2022 was a Saturday and the office seal was affixed only on the next working day i.e., on 19.09.2022. Such an explanation was neither deposed by PW1 nor by the investigating officer, PW52, when they were in the witness box.

90. In **Thundiyl Muhammade Ali v. State of Kerala, 220(4)KHC(64)**, the Hon'ble Kerala High Court in Para 14 and 15 held that "*it is the settled position that to attract the statutory presumptions in connection to criminal*

offences, it is the fundamental duty of the prosecution to establish the essential ingredients of the offence. The apex court observed that, if no evidence is lead by the prosecution regarding the compliance of mandatory provision, the court will be entitled to draw a presumption that the procedure has not been complied with”.

Therefore, it is clear that the compliance of Section 42 of NDPS Act cannot be presumed without there being any evidence adduced by the prosecution” So, as held above nothing can be presumed regarding the date and time of sampling other than a solid oral evidence from the part of PW1 and witnesses which should be corroborated with contemporaneous documents like Ext. P15 proceedings. Such evidence lacks in the testimony of PW1 and PW52. The Magistrate or from the Magistrate’s office initialled Ext. P15 on 19.09.2022. The Magistrate has not put his signature in this proceedings. The Ext. P15 was attested by PW29 and PW2 .

91. PW29, the first witness present during sampling, admitted his signature in the MO18 to MO20 label on the sealed packets with marking MS1, MS2, MS3 and MS4. Only when the prosecution put a leading question that സാഫിൾ എടുത്തത് ആരുടെ സാന്നിധ്യത്തിലാണ് (Q) മജിസ്ട്രേറ്റിന്റെ സാന്നിധ്യത്തിലാണ് (A). Except answer to the non acceptable leading question in chief examination PW 29 has not given any evidence regarding sampling in the presence of Magistrate of that the Magistrate put his signature on the contemporaneous sampling documents on the same day of taking the samples.

92. PW2 accompanied the PW1 for the sampling procedure at JFCM court Angamaly. She is the second signatory in MO18, MO14 (b), MO19, MO20

and MO15, the labels affixed on the sample packets S1 to MS 4 and P6 as well as in Ext. P15 proceedings and identified her signature. In chief examination, she did not depose about the presence of Magistrate while the sampling was conducted. On cross examination she deposed that she does not remember the date of sampling but she admits that the material object from which the samples were taken in the custody of the court, but the same is not recorded in Ext. P15. Thus the testimony of PW2, PW29 and PW52 cannot corroborate the evidence of PW1 regarding the collection of samples in the presence of the Magistrate. Thus, nothing can be presumed regarding the exact date and time of sampling in the absence of cogent, oral and documentary evidence. The chain of custody must be proved through the reliable testimony of the detecting officer, PW1 and the witnesses present during sampling duly corroborated the corresponding contemporaneous document like Ext. P15 proceedings. In the present case such corroboration is lacking the testimony of PW1. The endorsement from the Magistrate's office on Ext. P15 indicates that it was initialled only on 19.09.2022. The document prepared after sampling before this court with the Magistrate's office seal dated 19.09.2022. Apart from initialling with date 19.09.2022, the Magistrate has not put his signature in Ext. P15 proceedings. Hence, from conjoint reading of the entire evidence relating to sampling, it can only be concluded that the prosecution had failed to establish by reliable and substantive evidence that the sampling was conducted in the presence of the learned Magistrate under his supervision as mandated under Section 52(A) of NDPS Act.

93. As per the court proceedings, the samples were received by the sessions court on 20/09/2022 which was kept there as T No.428/2022. PW27, a police constable, deposed that he personally carried the sealed samples from the Sessions Court, Ernakulam, to the Regional Chemical Examination Laboratory, Kakkanad. But from the testimony of PW27, it is not evident the actual date of receipt of contraband from the Sessions Court. He produced the acknowledgment receipt Ext.P77 dated 28.09.2022. The prosecution is silent about the possession of the sample with PW27 before submitting the same to the lab. However, the forwarding note Ext.P129 and the chemical examiner's report Ext.P130 confirmed that the seals on the samples MS1, MS3, MS4 were intact and tallied with the specimen seal forwarded by the Magistrate. The prosecution must establish, continuous and untampered chain of custody of the seized contraband, from seizer, sealing, storage, forwarding to Magistrate, collection of samples, forwarding the samples to Sessions Court and from there to the lab, to ensure that the samples examined by the laboratory are the same as those seized from the accused. The matching of seals and intact condition recorded in Ext. P130 report can partially cure the evidentiary loss of chain, but will not conclusively prove the unbroken chain of custody in the light of discussed Supra, unauthorized custody of the contrabands by PW1 after seizure till producing it before PW52, absence of evidence of PW2 on time of receipt of seized contrabands and the collection of the samples not in the presence of Magistrate, the proof of chain of custody lacks. Moreover, the omission to prove the actual possession and movement of samples

through PW 27 constitute some lapse of procedure, the intact condition of seals as confirmed by the chemical examiner affords assurance of the authenticity of the samples forwarded and examined.

94. The evidentiary value of MO16 series of photographs are significant under Section 52 A (4), which provides that the inventory, photographs, and list of samples certified by the Magistrate shall be treated as primary evidence in any prosecution under the NDPS Act, thereby eliminating the necessity to produce the entire bulk quantity during trial. This statutory presumption attaches authenticity to the photographs as a faithful record of the sampling process and ensures that the evidence remains unimpeachable even after disposal of the seized substances. But the present case has already found that the samples were not taken in the presence of Magistrate MO16 series photographs which cannot be considered as primary evidence as provided under Section 52 A (4).

95. Taken cumulatively, the prosecution has not successfully established an unbroken chain of custody from seizure to production, sampling, certification, forwarding, and receipt at the chemical laboratory. Therefore, the mandatory procedural safeguards under Sections 52 and 52A of the NDPS Act were not duly proved by the prosecution and the same is answered accordingly.

96. Ext. P129, forwarding note shows that the Sessions Court received the samples on 20.09.2022. Ext. P130 is the Chemical Analysis Report dated 11.02.2019, bearing reference number D-8090 dated 20.09.2022, issued from the Regional Chemical Examination Laboratory, Kakkanad reported that in sample

MS1, MDMA was not detected, but Methamphetamine Hydrochloride was found to be present. In sample MS3, the substance was identified as Hashish Oil, a resin of Cannabis Sativa detected. In sample MS4, the presence of LSD (Lysergic Acid Diethylamide), a potent hallucinogen, was confirmed in the seized LSD stamps. All these substances are psychotropic or narcotic drugs falling within the purview of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

97. On the basis of the chemical report, the prosecution case is that the accused were in possession of multiple contraband substances, Methamphetamine, Hashish Oil, and LSD, each of which is prohibited under the NDPS Act. As proved by the prosecution the detected contraband substances were **198.36 grams of Methamphetamine Hydrochloride (MS1), 3.89 grams of Hashish Oil (MS3), and 60 milligrams of LSD (MS4)**. Since the prosecution failed to prove the proper custody and chain of custody of the seized contrabands, it cannot be presumed that the samples reached at the lab were not tampered with and the benefit of doubt goes to the 1st accused.

98. **Point No.4 :-** The prosecution alleged that accused Nos. 1 to 4 were mutually providing financial assistance for the procurement and trafficking of narcotic drugs and psychotropic substances, thereby attracting the penal provisions of Section 27A of the NDPS Act. In support of this allegation, the prosecution relied on the testimony of PWs 12 to 18, 32, 33, 34, 38, 41, and 42, together with the bank records produced by PWs 15 to 18 and 38. From the evidence, it is seen that A1 maintained multiple bank accounts, including Exts.P42 and P84 series with

Federal Bank and Axis Bank, into which several amounts were credited through UPI transfers between 23.08.2022 and 14.09.2022. These included a transfer of ₹37,000/- on 23.08.2022 and further credits of ₹10,000/-, ₹20,000/-, ₹50,000/-, and ₹60,000/- during the same period, followed by ATM withdrawals at Dehradun, Rishikesh, Gurgaon, Thane, and Mumbai—locations coinciding with the travel of A1 and A2 during the relevant time. PW15, the Branch Manager, provided the account opening forms and statements under the Bankers' Books Evidence Act, thereby authenticating that the accounts belonged to A1.

99. PW16 and PW17 deposed that A2 maintained accounts with South Indian Bank and HDFC Bank, Aluva. The account statements (Exts.P45 and P49) and beneficiary details (Exts.P47 and P51) revealed that A2 received a credit of ₹45,000/- on 03.09.2022, transferred ₹50,000/- to one Shifala Noushad and ₹13,000/- to Ajmal N.M. on 07.09.2022, and made other transfers in the same period. PW18, the Manager of HDFC Bank, proved Exts.P53 and P54, showing that ₹50,000/- each were credited to the accounts of A2 and A1 on 06.09.2022 and 08.09.2022 respectively, besides several subsequent UPI credits to A1. PW38, the Axis Bank Manager, produced the Ext.P84 series establishing that A1's Axis Bank account (No. 921020051634980) received six UPI transfers from the HDFC Bank account of one Shifala Noushad. PWs 13 and 14 (Shifala and Nisammudheen) admitted that the said account was opened and operated at the request of the accused, thus connecting A1 and A2 with the routing of funds through third-party accounts. Further, PW32 and PW33 testified that A1 received ₹82,000/- from the

sale of an iPhone 13 Pro Max, out of which ₹37,000/- was remitted through Google Pay to an ID in the name of “Ajai Antony / Ajmal,” identified as A1. PW41 also confirmed that he transferred certain amounts to A2 through Google Pay in connection with business and rental dealings. These pieces of evidence collectively show that A1 and A2 had frequent monetary exchanges, involving multiple bank accounts, third-party accounts, and online transfers, during the time period coinciding with the alleged trafficking activities.

100. The evidence adduced demonstrates a pattern of financial dealings between A1 and A2, including the use of third-party accounts and contemporaneous transfers around the period of alleged narcotic trafficking. However, under Section 27A of the NDPS Act, the prosecution must not only establish the flow of funds but also prove that such funds were knowingly utilised for *financing illicit traffic* or *harbouring offenders*. In the present case, while the financial movement between A1 and A2 is evident, the prosecution has failed to prove that the transferred or withdrawn amounts were specifically used for the purchase, transport, or sale of contraband. There is no recovery traceable to the funds transferred, no identification of the alleged supplier “Mice,” and no proof of the purpose of these financial exchanges. The bank and UPI records, though indicative of association, do not establish the illicit application of funds as required under Section 27A.

101. The **Hon’ble Kerala High Court in *Shamnas v. State of Kerala* [2024 KHC 1485]** held that mere financial transactions between accused persons

cannot, by themselves, constitute sufficient grounds to implicate them in narcotics offences. Applying this principle, the court finds that while the prosecution has succeeded in proving the existence of frequent financial dealings between A1 and A2, it has not established the *mens rea* or the illicit use of those funds for financing narcotic activities. Hence, the essential ingredients of Section 27A are not proved beyond reasonable doubt. Accordingly, the charge under Section 27A fails as against A1 to A3.

102. To prove the alleged conspiracy among the accused, the prosecution relied on the testimony of PWs 5, 9, 10, and 11 regarding the occupation of Flats 5BB and 3AH of Earth Space Transit Apartment, Mekkad, Thuruthissery. These witnesses identified A1 as residing in Flat 5BB but did not witness the presence or participation of A2 or A3.

103. On the basis of collected evidence, PW52 arrested the 2nd and 3rd accused. The arrest of the second and third accused was effected on 05.10.2022 by PW52 in connection with the disclosure made by the first accused during investigation. As per Ext.P74, A2 was arrested at 21:14 hours and Ext.P117 shows that A3 was arrested at 21:31 hours on the same day. The contemporaneous documents, including arrest memos Exts.P74 and P117, inspection memos Exts.P113 and P118, and custody memos Exts.P114 and P119, were duly prepared, and the arrest intimation notices Exts.P116 and P121 were communicated to their respective relatives, evidencing procedural compliance. During the personal search of A2 and A3, certain personal belongings were seized

such as mobile phones MO29 and MO25, purses MO23 and MO24, and identity cards, as recorded in the seizure mahazar Ext.P75 and produced before the court as per property lists Exts.P146, P150, and P153. The articles MO23 and MO24 were duly produced before the court as per Ext P146 and MO25 and MO29 were kept in safe custody as evidenced by Ext.P122. The medical examination certificates Exts.P115 and P120 further corroborate that both accused were arrested in accordance with due procedure. Ext P124 address reports on 2nd and 3rd accused were also prepared and submitted. 2nd and 3rd accused were remanded by the Judicial First Class Magistrate Court as per order in Ext P123 remand report. Both 2nd and 3rd accused were produced before the magistrate on 6/10/2022 at 9.50 pm , ie., after 24 hours of their arrest. Even though there are procedural irregularities in producing the 2nd and 3rd accused before the magistrate, the evidence collected from the 2nd and 3rd accused after their arrest will not become unacceptable.

104. Subsequently, the residences of A2 and A3 were searched under proper authorisation. Ext.P125 evidences the search conducted in A2's house at 12:05 p.m. on 14.10.2022, during which MOs 26, MO30 to MO35 were seized which all are submitted before the court as per Ext P148 document list. Similarly, Ext.P126 search list evidences the search of A3's house at 16:45 hours on the same day under Section 42 of the NDPS Act, following the warrant Ext.P127 issued under Section 93 CrPC. From A3's residence, certain documents such as, Aadhaar card, RC book and driving licence (MOs 126(a) to 126(c)) were seized which all

are submitted before the court as per Ext P148 document list. It is significant to note that no contraband substance was recovered either from the person or from the residence of A2 or A3, and the seizure was limited to personal effects and documents.

105. However, the prosecution relies heavily on the digital evidence extracted from the mobile phones seized from the accused to establish the link of conspiracy under Section 29 of the NDPS Act. As per Ext.P78, the forensic examination of the mobile phone of A1 (MO9) revealed multiple WhatsApp chats and voice communications with various contacts. Ext P151 and Ext P152 are the forwarding notes for MO25 and MO29 mobile phones seized from 2nd and 3rd accused respectively. and The Ext P78 mahazar as well as Ext P157 & P157(a) the forensic analysis of these devices revealed WhatsApp chats and voice communications between A1 and contacts including “Legend” (identified as A3) involving the exchange of images of money transfer receipts totalling ₹1,02,000/- and conversations related to MDMA.

106. PW34, who runs an SBI Service Point at Aluva–Pump Junction, testified that on 09.09.2022, A3 transferred ₹1,02,000 through his service point to the account of A1. He produced the payment receipts Ext.P71 series which was seized as per ext P70 inventory prepared by PW52 in which PW 23 is an attester and the CCTV footage MO22(A) showing A3 conducting the transfer. Ext P71 was submitted before the court as per Ext P142 document list. These were corroborated

by Ext.P84 (A1's Axis Bank statement) and Ext.P53 (Shifala's HDFC Bank statement), which reflect the corresponding credit and debit entries.

107. Further, PWs 49 to 51, the Nodal Officers of Reliance Jio, Airtel, and Vodafone, produced the Call Detail Records (CDRs) and Customer Application Forms (CAFs) of the numbers used by the accused. The CDRs (Exts.P91 to P104 and MOs 27, 28 series) reveal frequent communication between A1, A2, and A3 , A1 contacting A2 on 179 occasions, A3 on 76 occasions, and A2 and A3 inter se on 19 occasions between 01.08.2022 and 15.09.2022. The tower location data further placed A1 and A2 outside Kerala, corroborating their presence in Mumbai during the relevant period.

108. While the substantive recoveries of narcotic substances were made from the conscious possession of A1, the procedural irregularities in sampling and forwarding have vitiated the prosecution case against him on that aspect. However, such irregularities do not nullify the independent evidence indicating coordinated conduct among A1, A2, and A3.

109. The cumulative evidence, frequent and contemporaneous communications, transfer of ₹1,02,000/- from A3 to A1 through an identified channel, digital chats and voice messages suggestive of coordination, and the coincidence of travel and financial movements—collectively point towards a concerted course of action. These circumstances, when read together, form a coherent chain indicative of a meeting of minds towards the procurement and distribution of narcotic substances. Nonetheless, the court must distinguish

between suspicion and proof. The CDRs, while establishing frequent contact, do not reveal the contents of the conversations. The admitted fact that the accused were school or college friends weakens the inference that such communications were necessarily in furtherance of an illegal design. Moreover, the prosecution has not proved that the ₹1,02,000 transferred by A3 was actually used for the purchase of contraband or that A2's travel and participation coincided with the procurement or transport of drugs.

110. In view of these deficiencies, the evidence, though capable of raising suspicion and suggesting association among the accused, falls short of establishing beyond reasonable doubt the existence of an agreement or concerted intention to commit an offence under the NDPS Act. The essential element of a “meeting of minds” required under Section 29 is not proved through any unequivocal circumstance or corroborative material. Therefore, while the material may support a *prima facie* inference of conspiracy, it does not meet the threshold of proof required for conviction. Accordingly, A1 to A3 are entitled to the benefit of doubt on the charge under Section 29 of the NDPS Act as well.

111. **Point No.5 :-** From the discussion above, this Court finds that the prosecution has failed to establish the essential procedural and substantive requirements of law to sustain the conviction of the accused under the NDPS Act. Although the initial recovery of contraband substances from the possession of the first accused stands supported by oral and documentary evidence, the serious lapses in the procedure of sampling, sealing, and forwarding of the seized articles

have created a reasonable doubt as to the identity and integrity of the samples analysed by the chemical examiner. Consequently, the benefit of such doubt necessarily enures to the first accused, who is therefore entitled to acquittal on the charge of possession and trafficking of narcotic drugs.

112. With respect to the charge under Section 27A, though several financial transactions among A1 to A3 were proved through the testimony of bank officials and production of account statements, the prosecution has not adduced any evidence to show that such transactions were intended for or utilised in financing or facilitating illicit traffic of narcotic drugs. Mere proof of money transfers, in the absence of evidence as to their connection with drug procurement or transport, is insufficient to attract the penal provisions of Section 27A.

113. Likewise, regarding the charge under Section 29, the prosecution relied primarily on the call detail records, WhatsApp chats, and money transfers among the accused. However, the mere frequency of contacts or exchange of funds, especially among individuals who were admittedly friends and acquaintances, cannot, in the absence of cogent corroborative material, establish a meeting of minds or an agreement to commit an offence under the NDPS Act. The evidence on record, though indicative of association, does not prove conspiracy beyond reasonable doubt.

114. Accordingly, this Court holds that the prosecution has failed to prove the charges under Sections 8(c) read with 22(c), 27A, and 29 of the NDPS Act beyond reasonable doubt. The accused Nos. 1 to 3 are therefore acquitted of all

charges, extending to them the benefit of doubt. Their bail bonds, if any, shall stand cancelled, and the seized properties shall be dealt with in accordance with law after the expiry of the appeal period.

115. From the evidence on record, it is clear that the first accused, by making misrepresentations and inducing others to act upon them, dishonestly practiced deception with intent to cause wrongful gain and thereby committed the offence punishable under Section 419 of the Indian Penal Code. The prosecution has established through reliable documentary evidence, witness testimony, and financial records that the first accused knowingly engaged in fraudulent conduct to mislead and cheat others. There is no credible material to suggest that the accused acted under duress or without knowledge of the deception. Accordingly, the first accused is found guilty of the offence under Section 419 IPC, and the matter shall proceed to consider the sentence in accordance with law.

116. **Point No.6:-** In the result, the prosecution has failed to prove beyond reasonable doubt the offences under Sections 22(a), 22(c), and 20(b), as well as Sections 27 and 29 of the NDPS Act against the first accused. Accordingly,

I) The first accused is acquitted of all charges under the NDPS Act.

II) The prosecution has also not established the involvement of Accused Nos. 2 and 3 under any provisions of the NDPS Act. Hence, **Accused Nos. 2 and 3 are acquitted of all charges and set at liberty.**

III) The evidence establishes that the **first accused is guilty of the offence under Section 419 of IPC**. Therefore, the matter shall proceed to hearing on sentence against the first accused.

IV) All the contraband articles seized in this case, namely the samples and remnants of Methamphetamine Hydrochloride, Hashish oil, and LSD stamps MOs 14(a), 18, 19 and 20 shall be destroyed in accordance with Sections 52A and 63 of the NDPS Act.

(V) Other material objects, such as mobile phones, SIM cards, and originals of personal items seized from the accused 1 to 3, if not liable to confiscation and not required for any other proceedings, shall be returned to the respective owners/accused after the expiry of the appeal period, as per Rule 231 of the Criminal Rules of Practice, Kerala.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court, on this the 22nd day of October, 2025.

Jyothi V
Addl. District & Sessions Judge-II

117. **Point No.VII:-** Heard the submissions of both sides.

118. The accused denied possession of any ID proof and maintained his innocence with respect to the charge under Section 419 of the IPC. The learned defense counsel pleaded for leniency in the matter of sentence,

whereas the learned Public Prosecutor submitted that the accused deserves the maximum punishment for the proven offense.

119. Considering the young age of the accused, the prospects of reformation, and the long period of detention already undergone, the Court has carefully examined whether the benefit of the Probation of Offenders Act, 1958, can be extended to the accused. However, since the accused is already undergoing conviction in another case under the Narcotic Drugs and Psychotropic Substances Act, which is a grave offense involving moral turpitude, this Court is of the view that he is not entitled to the benefit of probation.

120. Section 419 of the Indian Penal Code prescribes punishment for **cheating by personation**, with imprisonment which may extend to three years, or with fine, or with both. In the present case, considering the nature of the act committed by the accused, which involved impersonation causing deception, this Court is of the view that the offence is of a serious nature affecting public confidence. However, considering that he has already undergone a considerable period of detention, a lenient view is taken regarding the quantum of sentence.

121. In the result, the 1st accused is sentenced to undergo **simple imprisonment for a period of two years** and to pay a **fine of Rs. 10,000/-**

for the offence punishable under **Section 419 of the Indian Penal Code**. In default of payment of the fine, the accused shall undergo **simple imprisonment for a further period of three months**.

122. The accused has been in judicial custody since September 16, 2022, and the period of detention already undergone shall be set off under Section 428 of the CrPC. Accordingly, the accused shall be released forthwith in this case, subject to payment of a fine or after serving the default sentence, if his detention is not required in connection with any other case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court, on this the 22nd day of October, 2025.

Jyothi V.
Additional Sessions Judge-II

Appendix:-

A. Prosecution Witnesses

Rank	Name	Date	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other Witness
PW1(CW1)	Eldho Paul	04.10.2024	Police Witness
PW2(CW2)	Ajitha	15.10.2024	Police Witness
PW3 (CW6)	Rafeeq	15.10.2024	Other witness
PW4 (CW5)	Jinson	15.10.2024	Police Witness
PW5 (CW14)	Nandakumar	16.10.2024	Other witness
PW6 (CW8)	Vipin	16.10.2024	Other witness
PW7 (CW9)	Sajini	16.10.2024	Other witness

PW8 (CW10)	Biju	16.10.2024	Other witness
PW9 (CW13)	Rajendran	17.10.2024	Other witness
PW10 (CW15)	Siju	17.10.2024	Other witness
PW11 (CW17)	Nandan Chempath	17.10.2024	Other witness
PW12 (CW28)	Yadhukrishnan	21.10.2024	Other witness
PW13 (CW29)	Sabala Noushad	21.10.2024	Other witness
PW14 (CW30)	Nizamudheen	21.10.2024	Other witness
PW15 (CW45)	Baby V V	23.10.2024	Other witness
PW16 (CW47)	Praveena	23.10.2024	Other witness
PW17 (CW46)	Arun Philip	23.10.2024	Other witness
PW18 (CW48)	Joseph Cheriyan	23.10.2024	Other witness
PW19 (CW43)	Sajeev Kumar	23.10.2024	Police witness
PW20 (CW52)	Vinitha	24.10.2024	Other witness
PW21 (CW50)	Dinilkumar	24.10.2024	Other witness
PW22 (CW56)	Siji Joseph	24.10.2024	Other witness (AMVI)
PW23 (CW63)	Anto	28.10.2024	Police witness
PW24 (CW67)	Ritheesh	28.10.2024	Police witness
PW25 (CW65)	Rejimon	28.10.2024	Police witness
PW26 (CW69)	Dileep	28.10.2024	Police witness
PW27 (CW58)	Vinod M A	04.11.2024	Police witness
PW28 (CW60)	Renjith V S	04.11.2024	Police witness
PW29 (CW66)	Shabu C A	05.11.2024	Police witness
PW30 (CW68)	Midhun	05.11.2024	Police witness
PW31 (CW33)	Abdul Rhanan	27.11.2024	Other witness
PW32 (CW35)	Ebin	27.11.2024	Other witness
PW33 (CW34)	Muhammed Faizal	27.11.2024	Other witness
PW34 (CW27)	Badhurudheen	29.11.2024	Other witness
PW35 (CW)	Shameer		Other witness

PW36 (CW57)	Vinod Kumar	03.12.2024	Other witness (AMVI)
PW37 (CW62)	Kabeer	04.12.2024	Other witness
PW38 (CW44)	Rashmi	09.12.2024	Other witness
PW39 (CW59)	Soofi T M	16.12.2024	Other witness
PW40 (CW11)	Prasanth	24.03.2025	Other witness
PW41 (CW37)	Benson	26.03.2025	Other witness
PW42 (CW38)	Acqub Ahamed	26.03.2025	Other witness
PW43 (CW39)	Vydekhi	26.03.2025	Other witness
PW44 (CW12)	Muhammed Sabir	27.03.2025	Other witness
PW45 (CW40)	Vishnu K.	27.03.2025	Other witness
PW46 (CW41)	Radhakrishnan	27.03.2025	Other witness
PW47 (CW26)	Alif Muhamad Saif	03.05.2025	Other witness
PW48 (CW64)	Shyam Kumar	22.05.2025	Police Witness
PW49 (CW53)	Ajisankar	16.06.2025	Other witness
PW50 (CW50)	K. Vasudevan	16.06.2025	Other witness
PW51 (CW54)	Augustine Joseph	12.09.2025	Other witness
PW52 (CW71)	P. M. Baiju	20.09.2025	Police Witness

B. Defence Witness :- Nil

C. Court Witness:- Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:-

Sl. No.	Exhibit Number	Date	Description
1	Exhibit P1	15.09.2022	Seizure Mahazar
2	Exhibit P2	15.09.2022	Secret Information
3	Exhibit P3	15.09.2022	Section 42 report.
4	Exhibit P4	15.09.2022	Body Inspection notice
5	Exhibit P5	15.09.2022	Section 50 NDPS notice

6	Exhibit P6	15.09.2022	Section 52 (arrest) notice
7	Exhibit P7	15.09.2022	Arrest memo of A1
8	Exhibit P8	15.09.2022	Inspection memo of A1
9	Exhibit P9	15.09.2022	Custody memo of A1
10	Exhibit P10	16.09.2022	Section 57 report
11	Exhibit P11	15.09.2022	FIR
12	Exhibit P12	15.09.2022	Correction report (time)
13	Exhibit P13	16.09.2022	Annexure-I Inventory
14	Exhibit P14	15.09.2022	Property list (6 items)
15	Exhibit P15	17.09.2022	Sampling proceedings
16	Exhibit P16	17.09.2022	Property list (sample)
17	Exhibit P17	16.09.2022	Annexure 2
18	Exhibit P18	30.09.2022	Seizure Mahazar (Rent agreement of A1)
19	Exhibit P19	18.12.2021	Verification certificate (weighing machine)
20	Exhibit P20	15.09.2022	Delivery sheet
21	Exhibit P21	Nil	Copy of Bill of Blue dart
22	Exhibit P22	20.09.2022	Inventory mahazar
23	Exhibit P23	16.09.2022	Scene Mahazar
24	Exhibit P24	06.12.2022	Certificate (u/s. 65 B (4) (a) of Evidence Act 1872)
25	Exhibit P25	15.06.2022	Rent agreement
26	Exhibit P26	10.06.2022	Rent agreement
27	Exhibit P27	15.10.2022	Contradiction of 161 statement of PW9
28	Exhibit P28	05.01.2023	Inventory of rent agreement
29	Exhibit P29	12.11.2022	Contradiction of 161 statement of PW12
30	Exhibit P30	12.11.2022	Contradiction of 161 statement of PW12
31	Exhibit P31	12.11.2022	Contradiction of 161 statement of PW12
32	Exhibit P32	12.11.2022	Contradiction of 161 statement of PW12

33	Exhibit P33	06.12.2022	Contradiction of 161 statement of PW13
34	Exhibit P34	06.12.2022	Contradiction of 161 statement of PW13
35	Exhibit P35	06.12.2022	Contradiction of 161 statement of PW13
36	Exhibit P36	15.11.2022	Contradiction of 161 statement of PW14
37	Exhibit P37	15.11.2022	Contradiction of 161 statement of PW14
38	Exhibit P38	15.11.2022	Contradiction of 161 statement of PW14
39	Exhibit P39	15.11.2022	Contradiction of 161 statement of PW14
40	Exhibit P40	15.11.2022	Contradiction of 161 statement of PW14
41	Exhibit P41	15.11.2022	Contradiction of 161 statement of PW14
42	Exhibit P42	09.12.2022	Account statement (27 page)
43	Exhibit P43	09.10.2015	Account opening form (2 pages)
44	Exhibit P43(a)	Nil	Copy of Aadhaar card of A1
45	Exhibit P44	09.12.2022	Evidence Act certificate
46	Exhibit P45	25.10.2022	Bank Account statement (16 pages)
47	Exhibit P46	18.05.2018	Account opening form (4 pages)
48	Exhibit P46(a)	Nil	Copy of Aadhar card of A2
49	Exhibit P46(b)	Nil	Copy of Election ID card of A2
50	Exhibit P47	Nil	Beneficiary Details
51	Exhibit P48	04.02.2023	65 B Evidence act certificate
52	Exhibit P48(a)	24.02.2023	System software certificate certified by branch Manager, South Indian Bank Ltd.
53	Exhibit P49	25.11.2022	Account statement (5 pages)
54	Exhibit P50	Nil	Account opening form
55	Exhibit P50(a)	Nil	Copy of Aadhar card
56	Exhibit P51	24.02.2023	Beneficiary details
57	Exhibit P52	04.02.2023	Bank Evidence Act certificate
58	Exhibit P53	16.11.2022	HDFC Bank account statement
59	Exhibit P54	04.02.2023	Evidence Act certificate
60	Exhibit P55	23.12.2022	Site plan

61	Exhibit P56	24.10.2022	Travel details (Letter)
62	Exhibit P57	16.09.2022	AMVI report.
63	Exhibit P58	26.09.2022	Seizure Mahazar (Sona lodge)
64	Exhibit P59	Nil	Copy of Reception Register
65	Exhibit P60	Nil	Copy of Aadhar card of A2
66	Exhibit P61	Nil	Copy of Reception Register
67	Exhibit P62	Nil	Copy of Aadhar card of Alif Muhammed Saifudeen
68	Exhibit P63	25.09.2022	Seizure Mahazar (Golden residency)
69	Exhibit P64	Nil	Reception register (Golden residency)
70	Exhibit P65	Nil	Copy of Aadhaar card of Alif Muhammed Saifudeen (Golden residency)
71	Exhibit P66	27.09.2022	Seizure Mahazar (Ley grande)
72	Exhibit P67	Nil	Copy of Reception register
73	Exhibit P68	4.09.2022	Hotel bill of Le Grande
74	Exhibit P69	Nil	Copy of Aadhaar cards
75	Exhibit P70	06.10.2022	Inventory (Payment receipt)
76	Exhibit P71	09.11.2022	Receipts
77	Exhibit P71(a)	09.11.2022	Receipt
78	Exhibit P71(b)	09.11.2022	Receipt
79	Exhibit P71(c)	09.11.2022	Receipt
80	Exhibit P72	06.10.2022	Seizure Mahazar (Memory card)
81	Exhibit P73	15.10.2022	Proceedings (Mobile phone of A3)
82	Exhibit P74	06.10.2022	Arrest Memo of A2
83	Exhibit P75	06.10.2022	Seizure Mahazar (Mobile Phone of A2)
84	Exhibit P76	05.10.2022	Seizure Mahazar (Mobile Phone of A3)
85	Exhibit P77	28.09.2022	Receipt (forwarding note)
86	Exhibit P78	30.09.2022	Mahazar

87	Exhibit P79	18.12.2022	Inventory Mahazar vehicle sale agreement
88	Exhibit P80	01.12.2019	Vehicle Sale Agreement
89	Exhibit P81	06.10.2022	65 B Evidence Certificate
90	Exhibit P82	16.12.2022	RC particulars
91	Exhibit P83	14.11.2022	Receipt from RFSL
92	Exhibit P84	10.01.2022	Bank Account statement
93	Exhibit P84(a)	24.02.2023	Certificate Under Bankers Book of Evidence Act
94	Exhibit P85	Nil	Account opening Form
95	Exhibit P85(a)	Nil	Copy of Aadhaar card of A1
96	Exhibit P86	24.02.2023	Beneficiary details
97	Exhibit P87	14.02.2023	Contradiction in 161 statement of PW42
98	Exhibit P88	14.02.2023	Contradiction in 161 statement of PW42
99	Exhibit P89	06.12.2022	Seizure Mahazar (pen drive)
100	Exhibit P90	22.10.2022	Contradiction in 161 statement of PW47
101	Exhibit P91	24.04.2023	Covering letter
102	Exhibit P92	05.01.2018	Customer application of A1
103	Exhibit P93	15.08.2022	Customer application of A3
104	Exhibit P94	17.01.2019	Copy of Driving license of A3
105	Exhibit P95	24.04.2023	65 B certificate
106	Exhibit P96	05.01.2018	Customer eKYC consent
107	Exhibit P97	27.02.2023	Covering letter
108	Exhibit P98	01.06.2022	Customer application
109	Exhibit P98(a)	01.06.2022	2 nd page of customer application
110	Exhibit P99	Nil	Copy of Aadhar card
111	Exhibit P99(a)	Nil	Copy of Aadhar card of other side
112	Exhibit P100	16.02.2023	Call data details
113	Exhibit P101	27.02.2023	65 B certificate
114	Exhibit P102	02.03.2023	Covering letter

115	Exhibit P103	22.07.2022	Customer application form
116	Exhibit P104	26.10.2016	Customer application form
117	Exhibit P104(a)	06.09.2016	Copy of driving license
118	Exhibit P105	02.03.2023	65 B certificate
119	Exhibit P106	26.09.2022	Kaichit (Sona Lodge)
120	Exhibit P107	26.09.2022	Kaichit (Golden residency)
121	Exhibit P108	27.09.2022	Kaichit (Ley grande Hotel)
122	Exhibit P109	27.09.2022	Seizure Mahazar
123	Exhibit P110	27.09.2022	Label (Blue Dart)
124	Exhibit P111	16.09.2022	Remand report of A1
125	Exhibit P112	16.09.2022	Mobile safe custody report
126	Exhibit P113	05.10.2022	Inspection Memo of A2
127	Exhibit P114	05.10.2022	Custody memo of A2
128	Exhibit P115	06.10.2022	Medical certificate of A2
129	Exhibit P116	05.10.2022	Arrest Intimation
130	Exhibit P117	05.10.2022	Arrest Memo of A3
131	Exhibit P118	05.10.2022	Inspection Memo of A3
132	Exhibit P119	05.10.2022	Custody memo of A3
133	Exhibit P120	06.10.2022	Medical certificate of A3.
134	Exhibit P121	05.10.2022	Arrest Intimation of A3.
135	Exhibit P122	06.10.2022	Safe custody Mobile A2 & A3
136	Exhibit P123	06.10.2022	Remand Report of A2 & A3
137	Exhibit P124	05.10.2022	Address report of A2 & A3.
138	Exhibit P125	14.10.2022	Search list of A2
139	Exhibit P126	14.10.2022	Search list of A3
140	Exhibit P126(a)	Nil	Copy of Aadhaar card of A3
141	Exhibit P126(b)	17.09.2019	Copy of Registration certificate
142	Exhibit P126(c)	17.01.2019	Copy of Diving license of A3

143	Exhibit P127	12.10.2022	Search warrant of A2 & A3
144	Exhibit P128	06.12.2022	Address report of A4
145	Exhibit P129	20.09.2022	Forwarding note (sample)
146	Exhibit P130	16.02.2023	Chemical report
147	Exhibit P131	24.02.2023	Certified copy of account details.
148	Exhibit P132	24.02.2023	Beneficiary details
149	Exhibit P133	21.04.2022	Account opening form
150	Exhibit P134	Nil	Copy of Aadhaar card of A4
151	Exhibit P135	24.02.2023	Customer declaration
152	Exhibit P136	23.12.2022	Bankers Evidence Certificate
153	Exhibit P137	06.12.2022	Form 15
154	Exhibit P138	30.09.2022	Form 15
155	Exhibit P139	05.01.2023	Form 15
156	Exhibit P140	30.09.2022	Form No. 15
157	Exhibit P141	18.12.2022	Form 15
158	Exhibit P142	06.10.2022	Form 15
159	Exhibit P143	06.10.2022	Property list
160	Exhibit P144	30.09.2022	Property List of MO9
161	Exhibit P145	20.09.2022	Form 15
162	Exhibit P146	05.10.2022	Property list
163	Exhibit P147	06.12.2022	Property list
164	Exhibit P148	14.10.2022	Form 15
165	Exhibit P149	07.11.2022	Forwarding note (Apple I phone)
166	Exhibit P149(a)	07.11.2022	Annexures
167	Exhibit P150	15.10.2022	Property list
168	Exhibit P151	08.11.2022	Forwarding note (Samsung phone)
169	Exhibit P152	08.11.2022	Forwarding note (Realme phone)
170	Exhibit P152(a)	Nil	Annexures

171	Exhibit P153	05.10.2022	Form 15
172	Exhibit P154	15.09.2022	Form 15
173	Exhibit P155	24.10.2022	Flight Details
174	Exhibit P156	30.09.2022	Section Addition Report
175	Exhibit P157		Cyber Forensic Analysis Report
176	Exhibit P157(a)	Nil	CD
177	Exhibit P158	16.09.2022	Arrest Intimation of A1
178	Exhibit P159	16.09.2022	Medical certificate of A1

B. Defence Exhibits:- Nil

C. Court Exhibits:- Nil

D. Material Objects:-

Sl. No.	Material Objects	Description
1	MO1	Sealed cover
2	MO1(a)	Plastic cover
3	MO1(b)	Plastic cover
4	MO2	Sealed cover of P5
5	MO2(a)	Label inside of P5 cover
6	MO3	Black purse
7	MO4	Aadhaar card of A1
8	MO5	Adhaar card of Alif Muhammed Saifudheen
9	MO6	Driving License of A1
10	MO7	ID card of Jassil
11	MO8	Debit card of A1
12	MO9	Apple Mobile phone of A1
13	MO10	Cover signature
14	MO10(a)	Speaker
15	MO11	Cover Syska
16	MO11(a)	Shaving Machine

17	MO11(b)	Charger
18	MO12	Red Colour Disposable cloth
19	MO12(a)	Long label in cloth
20	MO12(b)	Small label
21	MO13	Copy of Registration Certificate
22	MO14	Sealed packet MS2
23	MO14(a)	5 gm MDMA Sample
24	MO14(b)	Label
25	MO15	Sealed packet of P6
26	MO15(a)	Cover P1, P3, P4 series
27	MO15(b)	Label
28	MO15(c)	Label
29	MO15(d)	Label
30	MO15(e)	Label in (P6)
31	MO16	Photograph 12 numbers (car)
32	MO17	Photograph 3 numbers
33	MO18	Label MS1
34	MO19	Label MS3
35	MO20	Label MS4
36	MO21	Plastic bottle
37	MO22	Pendrive
38	MO22(a)	Memory card with reader
39	MO23	purse Brown in Colour
40	MO23(a)	Aadhaar card
41	MO23(b)	Credit card
42	MO23(c)	Pancard
43	MO23(d)	Credit card
44	MO23(e)	Visa card (SIB)

45	MO23(f)	Visa card (HDFC)
46	MO24	Purse
47	MO24(a)	Aadhaar card
48	MO24(b)	Paper (notebook)
49	MO25	Mobile phone (Real me) of A3
50	MO26	Pan card
51	MO27	CD
52	MO28	CD
53	MO28(a)	CDR
54	MO28(b)	CDR
55	MO29	Mobile phone (samsung) A2
56	MO30	Pass book – SIB of A2
57	MO31	Pass Book – HDFC of A2
58	MO32	Copy of Adhaar card (Abel)
59	MO33	Adhaar card (Niyas)
60	MO34	Aadhaar card (Balakrishnan)
61	MO35	Election ID (Ashok Kumar)
62	MO36	Keypad mobile
63	MO36(a)	Simcard
64	MO36(b)	Battery

Additional Sessions Judge-II

Typed by: Jini N. S.
Com. By: Deepa T.A.

S.C. No.184/2023
Judgment dated : 22.10.2025