

**IN THE COURT OF SPECIAL SESSIONS JUDGE FOR FAST
TRACKING THE CASES RELATING TO ATROCITIES AGAINST
WOMEN-cum- 1st ADDITIONAL DISTRICT AND SESSIONS JUDGE ::
MEDAK.**

PRESENT: SMT. R.M.SHUBHAVALLI,
Spl.Sessions Judge for fast tracking the cases
relating to atrocities against women-cum- 1st Addl.
District and Sessions Judge, Medak.

Monday, the 23rd day of March, 2026

NDPS SC. No.01 OF 2024

Cr/COR.No. & P.S.	COR.No.116 of 2023 of Prohibition and Excise Station, Medak.
Description of Accused.	A1: Bassi Jawarsingh S/o Narayana, Aged about 33 years, caste BC-D, Occupation: Agriculture, R/o. H.No. 2-5/4, Neral (V), Gandari (M), Kamareddy (D). A2: Darvath Srinivas , S/o. Pillu Naik, Aged: 25 years, Caste: ST, Occ: Agriculture, R/o. H.No. 2-16 Neral (V), Gandari (M), Kamareddy (D).
Charges	Under Section 8 (c) r/w. Section 20 (b)(ii)(B) of NDPS Act 1985.
Plea of the accused	Pleaded not guilty.
Result	In the result, the accused No.1 and 2 are not found guilty for the offence punishable under sections 8(c) R/w. 20 (b)(ii) (B) of The Narcotic Drugs and Psychotropic Substances Act, 1985 and accordingly they are acquitted under Section 235(1) Cr.P.C., for the said offence.
Prosecution conducted by	Sri. T. Venkatesh Additional Public Prosecutor.
Accused defended by	Sri. A. Ravinder, Learned counsel for Accused.

Date of Offence	02.08.2023
Date of COR	02.08.2023
Date of charge-sheet	30.01.2024
Date of framing charge(s)	01.12.2025
Date of commencement of evidence	22.01.2026
Date on which Judgment is reserved	11.03.2026
Date of Judgment	23.03.2026
Date of sentencing Order, if any	--

ACCUSED DETAILS

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or Convicted	Sentence imposed	Period of Detention undergone during trial for purpose of Sec.428 Cr.P.C
A1	Bassi Jawarsingh	02.08.2023	22.08.2023	Under Section 8 (c) r/w. Section 20 (b)(ii)(B) of NDPS Act 1985.	Acquitted U/sec.235 (1) Cr.P.C.	--	--
A2	Darvath Srinivas	02.08.2023	22.08.2023				

This case is coming up before me for final hearing in the presence of Sri T. Venkatesh, I/c Public Prosecutor for the State and that of Sri A. Ravinder, Learned Counsel for Accused, upon perusing the material on record and upon hearing the arguments, the Court delivered the following:-

JUDGMENT

1. The Prohibition and Excise Sub-Inspector/Station House Officer, Medak laid charge sheet against the accused No.1 and 2 in COR.No. 116 of 2023 for the offence punishable under Section 8 (c) r/w. Section 20 (b)(ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").

2. (i) The brief facts of the prosecution case is that on 02.08.2023 on reliable information about the illegal possession, transporting and selling of dry ganja, A. Narender, Prohibition and Excise Inspector, informed the same to the higher authorities and got permission and secured the presence of Mandha Pradeep Kumar and Chilver Nikhil conducted raid at near bus stop Pochamral Thanda of Haveli Ghanpur (M), Medak District at about 01:30 PM, they intercepted one black and red coloured Hero Glamour bike and enquired with the accused No.1 and 2 by A. Narender, Prohibition and Excise Inspector exercised option under section 50 (1) of NDPS Act 1985 and recorded the search memo and served the same on accused No.1 and 2 and searched the vehicle of accused No.1 and 2 and they found one white transparent polythene cover containing (1.040) kgs dry ganja and seized one black and red

coloured Hero Glamour bike bearing registration No. TS-16-ER-4743 illegal transporting and possession total contraband recovered from accused No.1 and 2 (1.040 kgs) of dry ganja. On enquiring accused No.1 and 2 they purchased these dry ganja from an unknown person at Gandari and accused No.1 and 2 agreed that they purchased these dry ganja at low price and reselling the dry ganja to some unknown customers at high price. Then, A. Narender, Prohibition and Excise Inspector informed Mandha Pradeep Kumar and Chilver Nikhil that the possession, transportation and selling of dry ganja is an offence under NDPS Act, 1985. Then A. Narender, Prohibition and Excise Inspector in the presence of Mandha Pradeep Kumar and Chilver Nikhil weighted the contraband with the weighing machine and they found that the total contraband is 1.040 kgs duly following procedure under cover of panchanama and handed over the original case papers and contraband of dry ganja to SHO Medak and the accused persons were arrested on the same day. One black and red coloured Hero Glamour bike bearing registration No. TS-16-ER-4743 and one redmi 10 prime silver colour mobile under cover of panchanama.

(i). On receipt of original case papers, P. Nagesh, Prohibition and Excise Sub-Inspector of Police registered a case against accused No.1 and 2 in COR.No. 116/2023 dt. 02.08.2023 under section 8 (c) r/w. section 20 (b)(ii)(B) of NDPS Act, 1985. The accused persons produced before the Hon'ble Magistrate for judicial custody and deposited the contraband i.e., dry ganja and above mentioned seized property in the Hon'ble Court. The Judicial First Class Magistrate cross checked the contraband and taken two samples each containing 45 grams of dry ganja and requested the Magistrate to send one of the sample packet to the Government Chemical Examiner, Nizambad for chemical analysis and took up the investigation. The Government chemical examiner who analyzed the sample vide his report CE.No. 767/2023.2, dt. 05.09.2023 in Sl.No. 5266 has opined that the sample is ganja.

(iv) After completion of his entire investigation, P. Nagesh, Prohibition and Excise Sub-Inspector, Station House Officer, Medak filed the charge sheet against the accused No.1 and 2 for the offence punishable under Section 8(c) R/w. Section 20 (b)(ii)(B) of The Narcotic

Drugs and Psychotropic Substances Act, 1985. Hence, the charge sheet.

3. The learned 1st Addl. District and Sessions Judge, Medak took cognizance for the offence punishable under Section 8(c) R/w. Section 20 (b)(ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985 against the Accused No.1 and 2.

4. On appearance of accused No.1 and 2, the copies of the case documents were furnished to accused No.1 and 2 thereby complied Section 207 of Cr.P.C.

5. On hearing the public prosecutor and the learned counsel for accused No.1 and 2 are examined under section 228 Cr.P.C., and a charge for the offence under Section 8(c) R/w. Section 20 (b)(ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985 are framed against the accused No.1 and 2 and the same is read over and explained to the accused No.1 and 2, who pleaded not guilty and claimed to be tried.

6. The prosecution, in order to prove its case, examined PWs.1 and 2 out of 4 listed witnesses and got marked Exs.P1 to P3 and MO.1 and MO.2 are (two sample packets), MO.3 is cell phone and MO.4 is motor bike on their behalf.

7. After closure of the prosecution evidence, the accused No.1 and 2 were examined under Section 313 Cr.P.C., as there is incriminating material evidence found from the evidence of the prosecution witnesses against accused No.1 and 2 and same is read over to them in Telugu language for which they denied the same and reported no defence evidence.

8. Both side arguments head: HEARD.

9. Now the points for determination is:-

(1) Whether the accused No.1 and 2 committed an offence under section 8(c) R/w. Section 20 (b)(ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985?

(2) Whether the prosecution proved the guilt of accused No.1 and 2 for the offences punishable under Section 8(c) R/w. Section 20 (b) (ii)(B) of The Narcotic Drugs and Psychotropic Substances Act, 1985?

(3) To what result?

Point No.1 to 3:

10. It is a case of illegal possession, transportation and selling of dry ganja allegedly done by accused persons.

11. To establish the same, the prosecution adduced the PW1 and PW2 evidence out of four listed witnesses and got marked Ex.P1 to Ex.P3 and MO.1 to MO.4 on their behalf.

12. To establish the same, the prosecution adduced PW1 evidence who is investigating officer who conducted raids along with Mandha Pradeep Kumar and Chilver Nikhil who are panch witnesses on 02.08.2023, at near bus stand of Pocharam Thanda of Haveli Ghanpur Mandal at 1:30 PM. On their raiding they intercepted one black and red colour hero glamour bike and in their presence accused No.1 and 2 confessed their guilt and when we see PW1 evidence before the court, PW1 stated that on 02.08.2023 he received credible information about the illegal transportation of dry ganja from Gandhari to Medak district. He informed the same to his higher officials and secured the panchas. At Pocharam village, they started vehicle checking while so they stopped one Hero Glamour bike on suspicion and on bike two persons

were traveling. PW1 said he enquired those two persons and they disclosed their details and on their search in between them there is a polythene cover and they informed that polythene cover contains ganja. Both persons refused to take option form. They also informed that they brought the said ganja from unknown person for Rs.20,000/- per kg and they were selling it for Rs.25,000/- per kg to needy persons and sharing the benefit of amount. PW1 further said then he opened the polythene cover and on his experience he found out that it was dry ganja and he informed to them having possession of dry ganja is an offence under NDPS Act and seized the ganja, bike and drafted panchanama and said for further action, he handed over the seized ganja, bike and panchanama to Excise police station. PW1 after seeing the sample packets he disclosed voluntarily that he seized the samples of 1 kg 40 grams.

13. To substantiate PW1 evidence, prosecution adduced PW2 evidence who is investigating officer who issued COR basing on the report of PW1. But before court, PW2 stated that on 02.08.2023 at about 2:30 hours, PW1 handed over the case papers and sample

packets and cell phone and one motor bike along with the accused, basing on that he registered this case by issuing Ex.P1 i.e., Crime Occurrence report, but PW2 not disclosed motor bike description as well as cell phone description as well as how much quantity of seized sample property he received. Simply he stated that sample property, cell phone and one motor bike was received from PW1. The prosecution through PW2 marked the panchanama as in Ex.P2 and PW2 further said that he sent the accused before court for judicial remand and PW2 further stated he deposited the case property two sample packets i.e., MO.1 to 4.

14. On perusal of record, the prosecution to establish the confession of seizure panchanama of accused No.1 and 2, not adduced the evidence of Mandha Pradeep Kumar and Chilver Nikhil, who are the panch witnesses for the alleged confession as well as seizure of MO.1 to 4. But prosecution filed a report on 19.01.2026 stating that Mandha Pradeep Kumar died and Chilver Nikhil was admitted Cheyutha Integrated rehabilitation center for addicts (IIRCA) for treatment with cannabis drug abuse stay in 90 days from 15.01.2026. Hence, basing

on the report of prosecution the evidence of Mandha Pradeep Kumar and Chilver Nikhil evidence are closed.

15. Before going to further, one again we observe the provision of law.

As per Section 8(c) of NDPS Act, 1985 - Prohibition of certain operations. —No person shall—

(a) cultivate any coca plant or gather any portion of coca plant; or

(b) cultivate the opium poppy or any cannabis plant; or

(c) produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-State, export inter-State, import into India, export from India or tranship any narcotic drug or psychotropic substance, except for medical or scientific purposes and in the manner and to the extent provided by the provisions of this Act or the rules or orders made thereunder and in a case where any such provision, imposes any requirement by way of licence, permit or authorisation also in accordance with the terms and conditions of such licence, permit or authorisation:

Provided that, and subject to the other provisions of this Act and the rules made thereunder, the prohibition against the cultivation of the cannabis plant for the production of ganja or the production, possession, use, consumption, purchase, sale, transport, warehousing, import inter-State and export inter-State of ganja for any purpose other than medical and scientific purpose shall take effect only from the date which the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided further that nothing in this section shall apply to the export of poppy straw for decorative purposes.

As per Section 20(b) (ii) (B) of NDPS Act, 1985 - Punishment for contravention in relation to cannabis plant and cannabis.

Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder,—

(a) cultivates any cannabis plant; or
(b) produces, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses cannabis, shall be punishable-

(i) where such contravention relates to clause (a) with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine which may extend to one lakh rupees; and

(ii) where such contravention relates to sub-clause (b),—

(A) and involves small quantity, with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both;

(B) and involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years, and with fine which may extend to one lakh rupees;

(C) and involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

16. The first and foremost, the prosecution has to establish that the alleged dry ganja of 1 kg and 40 kg has established from the possession of accused No.1 and 2. On perusal of PW1 evidence, he stated that he received credible information about the illegal transportation of dry ganja and while they are performing vehicle checking at Pochamral village, one glamour bike going on suspicion along with pillion rider and he

enquired those two persons and they deposed their details, but here PW1 and PW2 neither deposed vehicle number nor deposed the said persons names simply PW1 stated that he found one polythene cover containing ganja and also said that both persons refused for taking option form but PW1 not issued search notice on person and PW1 said that those two persons informed him that they are bringing the said ganja from unknown person for Rs.20,000/- per kg and they are selling it for Rs.25,000/- per kg to needy persons and share the benefit of amount. The PW1 said that he opened the plastic cover and on his experience he found out that it was dry ganja and he also said that he informed them having possession of dry ganja is an offence under section NDPS Act and seized the said ganja along with bike and drafted panchanama. Here, the PW1 not disclosed with regard to MO3 i.e., cell phone whether it was seized from the alleged accused person. Further, PW1 after observing the sample property he voluntarily deposed that he seized the sample of 1 kg 40 grams, but when we see PW1 cross examination he stated that they visited the scene of offence at 11:00 hours and he denied that the panch witnesses are their stock witnesses

and he said that he did not deposited the seized property before the court and also said that he cannot say the seized bike number, but at the same time, PW1 admitted that he cannot say the phone number and it's company name and sim card number. Here, the learned defence side they themselves by posing suggestion above cell phone number etc., which was not disclosed by PW1 about seizer of cell phone during his chief examination. Further, the PW1 admitted that the panch witness are belongs to different areas and they did not called the scene of offence surrounding neighbours who stood as panchas.

17. But to establish the same, the PW1 seized the dry ganja and drafted panchanama but PW1 not disclosed how he draw samples as mentioned in Ex.P2, for that on prosecution side except PW1 evidence there is no other evidence as prosecution not adduced Mandha Pradeep Kumar and Chilver Nikhil evidence who are panchanama witnesses. When we see the Ex.P2, in it, specifically mentioned that they found two persons were going on bike which is black and red colour hero glamour bike bearing No. TS-16-ER-4743 in a suspicious manner towards Haveli Ghanpur from Pochamral. On his search, two persons shown the packet

it contains one plastic cover which was kept in between them and the said plastic cover contained some dry ganja. Here the PW1 not disclosed how much quantity and whether it was weighted. But as per Ex.P2 in it mentioned them the officers weighed contraband with the dry ganja with weighing machine and they found that the total contraband is 1.040 kgs in weight. But in Ex.P1 in coloum No.10 mentioned 1. seized (1.40) kgs of dry ganja. 2. Hero Glamour bike registration No.TS16ER 4743. 3. One mobile phone, but the PW1 not disclosed the seizer of cell phone.

18. But to prove the seized property weighted for that there is no evidence on record, even PW1 not disclosed during his chief examination that he was carrying weighing machine along with him as well as he weighted the same even during his chief examination after seeing the sample packet in court during his evidence he observed it, then he said that seized sample is 1 kgs 40 grams. PW1 not disclosed that he weighed the same at the scene of offence or not, but at the same time PW1 during his cross examination he specifically stated that he did not deposited the seized property before the court. On perusal of

record, the seized property was produced before Magistrate on 08.08.2023, but the property was seized on 02.08.2023 and here the seized property the signatures of Mandha Pradeep Kumar and Chilver Nikhil, not obtained and it was taken on the panchanama which was available in case file, due to non producing two panch witnesses evidence there is no corroboration of PW1 evidence as he seized 1kg 40 grams ganja from the possession of accused No.1 and 2. On perusal of thorough verification, the seized property was seized in their presence for that PW1 and PW2 did not give any explanation, but on perusal of letter which was sent to chemical analysis in it mentioned i.e., Ex.P3 **"A rough dull dusky dry substance consisting of upper parts of stem, leaves, seeds, flowering and fruiting tops possessing characterstic odour of cannabis sativa linn weighing (48) grams gross in a polythene cover kept in paper cover and sealed"**, but there is no whisper in Ex.P1 i.e., in 10th coloum and also in Ex.P2 panchanama how much quantity the PW1 had drawn the samples, even PW1 before the court during his chief examination not disclosed that he drawn how much quantity as sample for sending FSL out of 1kg 40

grams and whose presence it was drawn sample not disclosed by PW.1.

19. Even in Ex.P2, the quantity which was mentioned in Form No.66, in it mentioned **“(1.040) kgs of dry ganja (including samples) drawn (2) sealed samples of dry ganja, one of the sample through Hon’ble JFCM court and send one sample to Regional Prohibition and Excise Laboratory Nizambad and another sample and property at safe custody in SHO, Medak”** dated 22.01.2024 property produced before court and in letter of advice it was produced before Magistrate and as well as in letter of advice is shown in letter of advise dt. 02.8.2023 in column 1 to 9. Even it alleged seized property was not mentioned and what they have produced before 1st ADJ, Medak and in it also not shown the quantity which was sent to FSL, and there is description which was mentioned in FSL report **“A rough dull dusky dry substance consisting of upper parts of stem, leaves, seeds, flowering and fruiting tops possessing characteristic odour of cannabis sativa linn weighing (48) grams gross in a polythene cover kept in paper cover and sealed”** and the same was not

mentioned in Ex.P2. So it was mentioned afterthought. Subsequently, after receipt of FSL report and on 22.01.2024.

20. Then next when we see PW2 evidence who issued COR basing on PW1 seized property, PW2 stated that he deposited case property, two sample packets as in MO.1 and MO.2 i.e., (1.040 kgs of dry ganja including samples drawn two sealed samples of dry ganja, and cell phone and motor bike as in MO.3 and MO.4. After that he received chemical analysis report as in Ex.P3. But during his cross examination PW2 admitted that Mandha Pradeep Kumar and Chilver Nikhil are not belongs to Pochamral Thanda and he further admitted that he does not know where PW1 seized the contraband from whom and also admitted that PW1 not produced any certificate before him with regard to MO.3 and admitted that he further admitted that in MO.1 and MO.2 panch witnesses signatures are not there and also in MO.3 and admitted that he did not issued any search memo. Further PW.2 did not disclosed how much sample he sent to chemical analysis which was mentioned in column No. 14 in Crime Occurrence report and also not disclosed how much quantity was seized by PW1 but simply mentioned that seized the

sample as mentioned in Ex.P2 mentioned. Except PW1 evidence there is no other corroborative evidence, to believe the PW1 version as admitted by PW2 he does not know whether PW1 seized the contraband from whom and also admitted that PW1 not produced any certificate before him with regard to MO.3 i.e, cell phone. So, from the above evidence, PW1 evidence is not trust worthy that he seized the MO.1 to MO.4 from the possession of accused No.1 and 2.

21. Assume for the sake of arguments if really PW1 seized the property from the possession of A1 and A2, as the bike was taken interim custody by accused No.1, but to prove the same, the prosecution not tried to mark the original RC which was available in case file and stands in whose name they simply marked the bike as MO.4, but there is no evidence on record that the said vehicle was seized by PW1 in the presence of Mandha Pradeep Kumar and Chilver Nikhil. To prove the same, except PW1 taking the interim custody there is no other evidence to prove that accused No.1 and 2 are travelling on the said bike which was taken interim custody, here the prosecution fails to establish that the said vehicle used in an offence for illegal

transportation of ganja, the prosecution not took any pains to produce the evidence of owner of crime vehicle or document.

22. Assume for the sake of arguments as the A1 was taken the vehicle from Bassi Jawarsingh S/o Narayana who is accused No.1 herein but PW1 and PW2 not disclosed anything about MO.4, who prevented the prosecution to mark his RC card to show that the bike stands in the A1 name. due to their lacuna the prosecution fails to establish that the MO.4 belongs to A1 and same was seized by PW1 from accused No.1 possession that there is no evidence on record as well a cogent evidence to prove the accused No.1 and 2 had committed an offence under sections 8(c) R/w. 20 (b)(ii) (B) of The Narcotic Drugs and Psychotropic Substances Act, 1985. The prosecution failed to prove the guilt of the accused No.1 and 2, hence they are entitled for acquittal.

POINT No.3:-

23. In the result, the accused No.1 and 2 are not found guilty for the offence punishable under sections 8(c) R/w. 20 (b)(ii) (B) of The Narcotic Drugs and Psychotropic Substances Act, 1985 and accordingly they are acquitted under Section 235(1) Cr.P.C., for the said offence.

The bail bonds of the accused No.1 and 2 shall stand cancelled after the appeal time is over. The case property under MO-1 and MO-2 i.e., sample packets shall be destroyed after appeal time is over. MO.3 i.e., cell phone shall be confiscated to state and MO.4 which is already returned to it's rightful owner shall holds good after expiry of appeal time.

(Typed on my dictation by the Stenographer Grade-II, Corrected and Pronounced by me in the Open Court on this the 23rd day of March, 2026).

**1st Addl. District and Sessions Judge,
Medak.**

List of Prosecution/Defence/Court Witnesses

A. Prosecution:

RANK	NAME	Nature of evidence (Eye witness, Police witness, Expert witness, medical witness, panch witness, other witness)
PW 1	A. Narender, P&EI, DTF, Medak	1 st Investigating Officer, Conducted raid and panchanama
PW 2	P. Nagesh, P&ESI, SHO, Medak	2 nd Investigating Officer, COR issued and Filed Charge Sheet.

B. Defence Witnesses, if any:

RANK	NAME	Nature of evidence (Eye witness, Police witness, Expert witness, medical witness, panch witness, other witness)

- no -	- no -	-no-
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C. Court witnesses, if any:

RANK	NAME	Nature of evidence (Eye witness, Police witness, Expert witness, medical witness, panch witness, other witness)
- no -	- no -	-no-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS:A. Prosecution:

Sl.No.	Exhibit Number	Description
1	Exhibit P1/PW2	Crime Occurrence Report.
2	Exhibit P2/PW2	Seizure Panchanama
3	Exhibit P3/PW3	Chemical analysis report

B. Defence:

Sl.No.	Exhibit Number	Description
- nil -	- nil -	- nil -

C. Court Exhibits:

Sl.No.	Exhibit Number	Description
- nil -	- nil -	- nil -

D. Material Objects:

Sl.No.	Material Object	Description
1	MO.1	Sample packet
2	MO.2	Sample packet
3	MO.3	Cell phone
4	MO.4	Bike

**1st Addl. District and Sessions Judge,
Medak.**