

KAKL010027262022



Presented on : 17-10-2022
Registered on : 18-10-2022
Decided on : 30-06-2026
Duration: 3 years 8 months 13 days

**IN THE COURT OF SPECIAL JUDGE AND PRINCIPAL
DISTRICT AND SESSIONS JUDGE AT KOLAR**

DATED THIS THE 30TH DAY OF JUNE 2026

PRESENT

SHRI V.M. ANANDASHETTI
SPECIAL JUDGE AND PRINCIPAL DISTRICT & SESSIONS
JUDGE, KOLAR

SPL.C(N.D.P.S./24/2022

COMPLAINANT : State of Karnataka represented by
Kolar Rural Police Station, Kolar.

(Reptd., by Sri. **Madhav Padmanabh Gaonkar**,
Public Prosecutor)

Vs/-

ACCUSED : Babu Singh S/o. Shivaram Singh,
Aged about 38 years,
R/o. Marjenahalli Thotada Mane,
Besthenahalli Road,
Kondarajanahalli Village, Kolar Taluk.

(Reptd. By Sri. **M.Arun Kumar**,
Advocate)

01.	DATE OF COMMISSION OF OFFENCE	21.09.2021
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02.	PLACE OF OFFENCE	Marjenahally Village, Kolar Taluk.
03.	DATE OF REPORT OF OFFENCE TO THE POLICE STATION	21.09.2021
04.	DATE OF ARREST OF ACCUSED	21.09.2021
05.	DATE OF RELEASE OF ACCUSED	05.10.2021
06.	PERIOD UNDERGONE IN CUSTODY	15 days
07.	NAME OF THE COMPLAINANT	Anjappa.L, P.I.,
08.	DATE OF COMMENCEMENT OF TRIAL	14.02.2024
09.	DATE OF CONCLUSION OF EVIDENCE BY PROSECUTION	20.02.2026
10.	DATE OF RECORDING 313 OF CR.P.C., STATEMENT	04.03.2026
11.	DEFENCE EVIDENCE	Nil
12.	OFFENCES COMPLAINED OF	Section 20(b)(ii)(B) of NDPS Act
13.	OPINION OF THE JUDGE	Accused is not found guilty.

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

The Sub-Inspector of Police, Kolar Rural Police Station, Kolar has submitted this charge sheet against the accused for the offence punishable under Section 20(b)(ii)(B) of NDPS Act.

2. The case of prosecution in brief is that, PW-2, then PSI of Kolar Rural Police Station on 21.09.2021 about 11:00 a.m., received a credible information to the effect that the accused has illegally stocked Ganja in the Ragi field in front of his house in Marjenahalli Village. Acting on that information PW-2 constituted raiding team and proceeded near the house of accused. The accused was in front of his house and it is alleged that on seeing the police team he took

to heels in vain. On search surrounding the house of the accused in the Ragi field near the front side compound a bag was found, in which there was 1.196 kg., of Ganja, 141 grams of gold and silver articles and cash of Rs.43,000/- of 500 denomination. By drawing mahazar as per Ex.P.1 those were seized. The accused was apprehended. Thereafter PW-2 lodged complaint as per Ex.P.4. The further investigation is conducted by PW-3. PW-3 got the inventory certified on 05.10.2021.

3. This Court took cognizance of the offence upon police report. The accused, who was on bail during investigation, appeared in response to the summons. Accused is defended by Sri. M.Arun Kumar, Advocate. After hearing the learned Public Prosecutor and learned counsel for the accused this Court framed charge against the accused. The accused abjured the guilt.

4. In order to prove its case the prosecution examined 3 witnesses as PWs-1 to 3 and relied upon documents at Exs.P.1 to P.24, apart from material objects at Mos.1 and 2. After closer of prosecution evidence the statement of accused was recorded under Section 313 of Cr.P.C. The accused denied the incriminating materials. He has chosen not to lead defence evidence.

5. Heard the arguments of learned Public Prosecutor and learned counsel for the accused.

6. The learned Public Prosecutor submitted that, PW-1 is panch witness and part of raiding team. He is a localite. PW-2 is the PSI, who received the credible information. PW-3 is the Investigating Officer. They have deposed in tune with prosecution case. There is nothing in their cross-examination to disbelieve them. Thus, he submits that prosecution has proved its case and accordingly prays to convict the accused.

7. Per contra, the learned counsel for the accused submitted that the prosecution case is very absurd. A false case is cooked up to implicate the accused at the instance of his rivals. PW-1 is not witness to the raid, as his cross-examination discloses that he came at later point of time. No documents are produced to show the place where the Ganja is allegedly found belongs to the accused. Thus, he submits that prosecution case is false and the accused may be acquitted.

8. Perused the materials on record.

9. The points arising for my consideration are:

1. Whether prosecution proves beyond reasonable doubt that the accused

possessed 1.196 kg., of Ganja by concealing it in the Ragi plot in front of his house?

2. What order?

10. My finding to the aforesaid points is:

Point No.1 : In the negative.

Point No.2 : As per the final order for the following;

REASONS

11. **Point No.1**: In order to bring home the guilt to the accused the prosecution has examined 3 witnesses.

12. According to prosecution PW-1 M.Ravi is a localite and is witness to the raid. PW-1 no doubt in his chief-examination deposed that adjacent to his house there is a Ragi plot belonging to the accused, in which a sack containing Ganja along with gold and cash was found and the accused was present there. The accused had stored it in order to sell it. In his cross-examination he deposed that by the time he arrived at the spot the police had already displayed the Ganja, gold and cash on a table by arranging them. From this version the fact that he was part of the raiding team from its inception stands falsified. Thus, his version that Ganja was found in the Ragi plot is not believable.

13. PW-3 Nagarathna has registered the case based upon the complaint given by PW-2 as per Ex.P.4 and further conducted the investigating including inventory. Having regard to such role of PW-3 the entire prosecution case rests upon the version of PW-2. Before proceeding to analyze the evidence of PW-2 I would like to observe that the prosecution version that the accused had stored Ganja along with 141 grams of gold and silver articles, the major portion being gold items, along with cash of Rs.43,000/- in the Ragi plot beyond the compound of his house itself seems very ridiculous. A person keeping valuable gold articles and comparatively heavy cash of Rs.43,000/- in a bag in the Ragi field is very unnatural. According to prosecution Rs.43,000/- is proceeds of selling Ganja. If it were to be so, then a normal person would have kept such valuable gold articles, silver articles and cash in the house under lock and would not have put in a bag and kept in Ragi field as portrayed by the prosecution. Hence, the prosecution version being absurd renders it unbelievable.

14. According to prosecution the bag containing Ganja is found in the Ragi plot adjacent to the house of accused beyond the compound of the house. No doubt in the evidence of PW-3 it is elicited that no documents are collected to show the said Ragi plot is belonging to the accused. This lapse looses significance as in the cross-examination of PW-1 it is

suggested to him that the accused has recently come to the said house. Hence, the fact that the accused had his house remains undisputed. But, that does not mean that it is the accused, who has kept the Ganja bag in the Ragi field. There is nothing on record to show that the Ragi field where allegedly the Ganja is said to be found was inaccessible to any public. Hence, even if the evidence of PW-2 to the effect that the bag containing Ganja was found in the Ragi field situated in front of the house of accused, beyond the compound wall of the accused, would not unerringly connect it to the accused. In order to over come this hurdle it appears to me that prosecution has come up with the version that upon seeing the police team the accused took to heels. PW-2 deposed in this regard very vaguely. If the narration in the complaint as to how the house of accused is approached and the surroundings are considered, PW-2 was required to depose in which direction the accused fled and how far and who nabbed him. In the absence of evidence in that regard the version of PW-2 that on seeing the police team the accused started running away is not believable. This is more so when as already observed above the prosecution version on face of it is absurd. In the light of above discussion of evidence on record, I answer this point in the negative.

15. **Point No.2:** In the result, I proceed to pass the following;

ORDER

Exercising jurisdiction conferred upon me U/Sec.235(1) of Cr.PC, I find accused not guilty of committing the offence punishable under Section 20(b) (ii) (B) of NDPS Act and accordingly he is acquitted of said offence.

The bail bond of accused shall remain in force for a period of six months.

The order of this Court, dated 02.05.2023, regarding interim custody of gold and silver articles and cash of Rs.43,000/-, seized in this case, is hereby made absolute.

Mos.1 and 2 sample ganja is ordered to be sent to Drug Disposal Committee through PSI of Kolar Rural Police Station, Kolar for destruction as per law after lapse of appeal period.

(Dictated to the Stenographer, transcribed and computerized by him, revised, corrected and then pronounced by me in the open Court on this the **30TH DAY OF JUNE 2026**).

(V.M. ANANDASHETTI)
PRL. DISTRICT & SESSIONS JUDGE, KOLAR.

ANNEXURE

List of witnesses examined on behalf of the prosecution:

PW-1	:	M.Ravi
PW-2	:	Anjappa.L
PW-3	:	Nagarathna

List of documents marked on behalf of the prosecution:

Ex.P.1	:	Spot mahazar
Ex.P.1(a) to (c)	:	Signatures of witnesses
Ex.P.2	:	14 Photos
Ex.P.3	:	Police notice
Ex.P.3 (a) & (b)	:	Signatures of witnesses
Ex.P.4	:	Memorandum
Ex.P.4(a) & (b)	:	Signatures of PWs-2 & 3
Ex.P.5	:	FIR
Ex.P.5(a)	:	Signature of PW-3
Ex.P.6	:	Property form
Ex.P.7	:	Proceedings of Magistrate
Exs.P.8 to 21	:	Photos
Ex.P.22	:	Property form
Ex.P.23	:	65 – B certificate
Ex.P.24	:	FSL report

List of witnesses examined and documents marked on behalf of the accused: NIL

List of Material Objects marked on behalf of the prosecution:

Mos.1 & 2	:	Two boxes containing sample Ganja
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(V.M. ANANDASHETTI)

PRL. DISTRICT & SESSIONS JUDGE, KOLAR.