

KAKL010039702025



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

DATED THIS THE 2ND DAY OF APRIL 2026

PRESENT

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

SPL.C(N.D.P.S./49/2025

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

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

VERSUS

ACCUSED : 1. Nijamuddin @ Nijam & others.

APPLICANTS : 1. Mohammad Azad @ Azad
& others.
(Accused Nos.3 to 10)

(Reptd. by Sri. **S.M.C.**,
Advocate)

ORDERS ON DISCHARGE APPLICATION OF ACCUSED
Nos.3 TO 10

According to prosecution on 18.09.2025 about 01:00
p.m., the accused Nos.3 to 10 were found indulged in

selling of Ganja kept in a jeep near Tamaka Industrial Area. The total quantity of Ganja found in the jeep is 20.580 kg. It is further case of prosecution that the accused No.2 harbored the accused Nos.3 to 10 by providing residence in his building and accused No.12 along with accused No.11 provided his jeep to enable the accused Nos.3 to 10 to sell the Ganja.

2. The learned counsel for the accused Nos.3 to 10 seeks discharge of them for the offences punishable under Section 249 of BNS, 2023 and 177 of IMV Act, to which the learned Public Prosecutor also concedes by submitting that they are invoked against the accused Nos.2 and 12.

3. The learned counsel for the accused Nos.3 to 10 also seeks discharge of these accused by submitting that there is no conspiracy among these accused and the accused Nos.1, 2, 11 and 12. The call details collected by the I.O., are between the accused Nos.1 and 11. The last call between the accused Nos.1 and 3 is on 04.06.2025. Hence, there is no conspiracy between the accused Nos.3 to 10 and other accused. He further submits that the jeep in which the contraband is said to be kept was seized on 11.09.2025 itself and it was in the police station premises. He submits that he has photographs to prove it. He further submitted that the car does not belong to any of these accused and the said car is not found in the custody of these accused. He further submitted that notice issued

to these accused is in the language unknown to them. There is difference of weight in the contraband. No photographs are taken at the spot. The panch witnesses are not local. On such grounds he seeks discharge of accused Nos.3 to 10.

4. The above submissions canvassed by the learned counsel for the accused Nos.3 to 10 are disputed questions of facts and on such contentions the accused cannot be discharged. So far as, the photographs said to be obtained by him with regard to detaining the car in the station on 11.09.2025 itself is concerned, it is the defence of accused Nos.3 to 10 and is not appearing from the prosecution papers. It is also a disputed question of fact. At this stage such disputed questions of facts cannot be entertained. At this stage one has to proceed presuming that the prosecution version is correct. Upon such consideration of material on record there is material to show accused Nos.3 to 10 concerned with the Ganja seized in the jeep, as they were arrested at the said place. The procurement of them from their State, arranging for their lodging by other accused prima-facie indicates conspiracy among them. Hence, I am of the opinion that there are materials to frame charge against the accused Nos.3 to 10 for the offences punishable under Section 20(b) (ii) (C) of NDPS Act and under Section 61 of BNS, 2023. Hence, I proceed to pass the following;

ORDER

The application filed by the accused Nos.3
to 10 under Section 250 of BNSS is rejected.

(Dictated to the Stenographer, transcribed and computerized by
him, revised, corrected and then pronounced by me in the open
Court on this the 2ND DAY OF APRIL 2026)

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

Vsr./-*