

KAMD010000682024



**IN THE COURT OF THE PRL.DISTRICT AND SESSIONS JUDGE,
MANDYA.**

PRESENT

**SRI.SUBRAMANYA J.N.,
B.A., LL.M.**

**Prl.District and Sessions Judge,
Mandya.**

Dated this the 29th day of July, 2026.

Spl.C. No.:2/2024

Complainant:-

The State of Karnataka
Excise Department,
Pandavapura Sub-Division,
Srirangapatna Range.

(Rptd.by Public Prosecutor,
Mandya.)

-VS-

Accused:-

1. Nagendra
S/o late Ramachandra,
Aged about 45 years,

2. Girisha,
S/o late Ramachandra,
Aged about 39 years,

Both are residing at
Palahalli Village,
Srirangapatna Taluk,
Mandya District.

(Rptd.by Sri.C.Murthy,
Advocate.)

1. Date of commission of the offence : 19.04.2023
2. Date of report of offence : 19.04.2023
3. Name of the complainant : Excise Inspector,
Pandavapura Sub-Division,
Srirangapatna Range.
4. Date of arrest of A-1 & 2 : 19.04.2023
5. Date of release of A-1 & 2 : 15.05.2023
6. Date of commencement of recording of evidence : 27.01.2026
7. Date of closure of recording of evidence : 09.02.2026
8. Offences complained of : u/Sec.20(a), 20(b)(i), 25, 8(b)
of the NDPS Act.
9. Opinion of the Judge : A-1 & 2 are found not guilty

J U D G M E N T

Excise Inspector, Pandavapura Sub-Division, Srirangapatna Range filed charge sheet alleging that accused No.1 and 2 have committed the offences punishable under Section u/Sec.20(a), 20(b)(i), 25, 8(b) of Narcotic Drugs Psychotropic Substances Act, 1985 by investigating Cr.No.101/2022-23.

2. During investigation since 19.04.2023 till 15.05.2023 accused No.1 and 2 are in judicial custody.

3. A copy of the charge-sheet and enclosures are furnished to the learned Advocate appearing for the accused No.1 and 2.

4. After hearing submission made on behalf of the both the parties and on the basis of the material available on record, charges of offence punishable under Section 20(a), 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 have been framed against accused No.1 and 2, then, same have been read over and explained to the accused No.1 and 2, for which they have pleaded not guilty.

5. To prove charges levelled against accused prosecution examined 6 witnesses as PW-1 to PW-6, get marked 25 documents, 19 photos, 31 signatures at Ex.P.1 to 26, Ex.P.1(a), Ex.P.2(a), Ex.P.3(a), Ex.P.4(a),(b),(c),(d),(e), Ex.P.5(a), Ex.P.6(a), Ex.P.7(a),, Ex.P.8(a),(b) Ex.P.9(a),(b),(c) Ex.P.10(a),(b), Ex.P.11(a),(b), Ex.P.12(a),(b),(c), Ex.P.13(a), Ex.P.14(a), Ex.P.16(a), Ex.P.18(a), Ex.P.22(a), Ex.P.23(a), Ex.P.24(a), Ex.P.26(a).

6. During recording of the evidence prosecution get marked a cotton cloth packet containing alleged sample ganja at M.O.1.

7. After closure of the prosecution evidence, on 16.03.2026 the statement of the accused No.1 and 2 as required under Section 313 of Cr.P.C. have been recorded. Accused No.1 and 2 denied the incriminating evidence against them, did not choose evidence.

8. I heard arguments submitted on behalf of both parties and perused entire records.

9. On the basis of the materials on record, following points would arise for my consideration;

1) Whether prosecution proves beyond reasonable doubt that on 19.04.2023 at 12.30 p.m./2.30 p.m. behind the house situated in the land bearing Sy.No.273/1 of Palahalli Village in the presence of PW-2/Girish, PW-3/Madhusudan, PW-6/Bettaiah Village Assistant, PW-1/Ramya/Excise Inspector traced 23 wet ganja plants of various measurements illegally grown and two wet ganja plants measuring 10 and 5 feet height respectively already plucked and stored by accused No.1 and 2, thereby accused No.1 and 2 have committed the offences punishable under Sections 20(a) and 25 of N.D.P.S. Act?

2) What order?

10. On the basis of the material available in the file, my finding to the above Points are as follows:-

Point No.1 : **In the Negative**
Point No.2 : As per final order
for the following:

11. Point No.1:- In this case, case of the prosecution alleged that on 19.04.2023 at 12.30 p.m./2.30 p.m. behind the house situated in the land bearing Sy.No.273/1 of Palahalli Village in the presence of PW-2/Girish S/o Shivanna, PW-3/Madhusudan S/o Lakshmana, PW-6/Bettaiah S/o Moodaiah/Village Assistant, PW-1/Ramya/Excise Inspector traced 23 standing live wet ganja plants of various measurements illegally grown, two wet ganja plants measuring 10 and 5 feet height already plucked and stored respectively by accused No.1 and 2, therefore, by recording the mahazar marked at Ex.P.4, taking the photos, get plucked 23 standing live ganja plants, packed, sealed, then seized all the 25 ganja plants, captured accused No.1 and 2, returned to the office, then prepared self-report marked at Ex.P.3 registered Cr.No.101/2022-23, forwarded FIR marked at Ex.P.1 to the jurisdictional Court and started investigation.

12. After completion of the investigation PW-5/Excise Inspector submitted final report.

13. In the evidence PW-1/Ramya H.D. W/o Pradeep Kumar G./Excise Inspector stated that on 19.04.2023 at

12.30 p.m. when discharging duties in the office received information about growing of ganja plants by accused No.1 and 2 in the place situated behind their house at Palahalli Village, Belagola Hobli, Srirangapatna Taluk, thereafter, noted the same in the report, registered Cr.No.101/2022-23, forwarded FIR to the jurisdictional Court.

14. PW-1 stated that after forwardal of the FIR to the jurisdictional Court informed the incident i.e., information received from the informants to the Dy.S.P., sought permission to make raid and obtained permission from the Dy.S.P., thereafter secured PW-2/Girish and PW-3/Madhusudan, who are present in front of the office by serving notice to work as panchas. PW-1 stated that by serving notice secured Bettaiah/Village Assistant of Palahalli Circle to work as a pancha.

15. PW-1 stated that along with panchas and staff at 2.00 p.m. reached land bearing Sy.No.273/1 of Palahalli Village belonging to accused No.1 and 2. PW-1 stated that when searched the place situated behind the house of accused No.1 and 2 bearing Sy.No.273/1 of Palahalli Village noticed 23 ganja plants (standing) and 2 ganja plants already plucked and stored. PW-1 stated that when enquired accused No.1 and

2 about growing of ganja, they have informed lack of license to grow ganja plants.

16. PW-1 stated that in the presence of panchas with the help of staff get plucked 23 ganja plants seized 23 ganja plants, which are get plucked and 2 ganja plants, which are already plucked and stored by accused No.1 and 2 by recording the mahahzar marked at Ex.P.4.

17. PW-1 stated that on 25.05.2023 submitted request letter to Addl.Civil Judge and JMFC, Srirangapatna to conduct inventory of the ganja materials seized on 19.04.2023. PW-1 stated that on the basis of the request letter on 25.05.2023 Civil Judge and JMFC, Srirangapatna conducted inventory, taken the photos and prepared report marked at Ex.P.15 and Ex.P.16 and handover the articles, which are separated, sealed by conducting inventory.

18. PW-1 stated that in the photos marked at Ex.P.17 inventory activities conducted by Civil Judge and JMFC, Srirangapatna are visible.

19. PW-1 stated that on 19.04.2023 at 2.00 p.m. in the place situated behind the house of accused No.1 and 2 at Sy.No.273/1 of Palahalli Village, she has captured accused No.1 and 2.

20. PW-1 stated that on 30.05.2023 handover a packet containing ganja weighing 1280 grams to Drug Disposal Committee, Mandya, collected receipt marked at Ex.P.19.

21. In the cross-examination PW-1 denied negative suggestion about non-receiving information on 19.04.2023 at 12.30 p.m. regarding growing of ganja plants by accused No.1 and 2 in the place situated behind their house situated at Palahalli Village.

22. In the cross-examination PW-1 denied suggestion about seizure of 23 + 2 ganja plants in the land bearing Sy.No.273/1 of Palahalli Village behind the house of accused No.1 and 2 by recording the mahazar marked at Ex.P.4.

23. In the cross-examination PW-1 admitted that in the RTC pertaining to Sy.No.273/1 of Palahalli Village for the year 2023-24 growing of hybrid paddy are mentioned.

24. In the evidence PW-2/Girish S/o Shivanna, PW-3/Madhusudana S/o Lakshmana, R/o Palahalli Village identified their signatures on the mahahzar, list of the articles, notice, documents of sample seal marked at Ex.P.4, 9, 10 to 12.

25. In the evidence PW-2 and 3 stated that in their presence officer of the Excise Department never seized any

type of articles. In the evidence PW-2 and 3 submitted ignorance about contents of the documents, which bears their signatures.

26. In spite of lengthy cross-examination nothing has been elicited from PW-2 and 3 about seizure of ganja plants in the land bearing Sy.No.273/1 of Palahalli Village behind the house of accused No.1 and 2 by the officers of the Excise Department on 19.04.2023.

27. In the evidence PW-4/Yogesh S.N. S/o Nanjegowda, who worked as Excise Constable during April-2023 at Srirangapatna Range stated that on 19.04.2023 PW-1/Excise Inspector taken himself, Madhusudana and Girisha/panchas to the land bearing Sy.No.273/1 of Palahalli Village belonging to accused No.1 and 2. PW-4 stated that on 19.04.2023 at 2.00 p.m. when inspected the place situated behind the house of accused No.1 and 2 bearing Sy.No.273/1 of Palahalli Village noticed 23 live/standing ganja plants grown and 2 ganja plants plucked and stored, when enquired accused No.1 and 2 about ganja plants, they have informed lack of license to grow ganja plants, then in the presence of panchas, Excise Inspector get plucked 23 ganja plants, then seized 23 ganja plants, which are plucked and 2 ganja plants already plucked and stored by recording the mahazar marked

at Ex.P.4. PW-4 stated that after recording the mahazar marked at Ex.P.4 along with accused No.1 and 2 returned to the office.

28. In the evidence PW-4 identified his signature on the mahazar marked at Ex.P.4. PW-4 stated that on 19.04.2023 at 2.00 p.m. in the land bearing Sy.No.273/1 of Palahalli Village Excise Inspector captured accused No.1 and 2, who are present in the Court Hall. In the evidence PW-4 submitted that in the photos marked at Ex.P.17 inventory activities conducted or taken place in the Court situated at Srirangapatna are visible.

29. In the cross-examination PW-4 denied the negative suggestion about seizure of the ganja plants, capturing of the accused No.1 and 2 in the land bearing Sy.No.273/1 of Palahalli Village on 19.04.2023 at 2.00 p.m. by Excise Inspector.

30. In the evidence PW-5/B.Shivanna and Huchchappa, who worked as Addl.Excise Inspector at Pandavapura Sub-Division stated about collection of the documents marked at Ex.P.22 to 26 and stated that during investigation Girsha and Madhusudana gave statement as noted in the documents marked at Ex.P.20 and 21 respectively.

31. In the cross-examination PW-5 stated that in the RTC marked at Ex.P.26 pertaining to land bearing Sy.No.273/1 of Palahalli Village for the year 2023-24 nature of the crop grown are mentioned as hybrid paddy. PW-5 denied the suggestion that during investigation in his presence, Girisha, Madhusudana never gave statement as noted in the documents marked at Ex.P.20 and 21 respectively.

32. In the evidence PW-6/Bettaiah S/o Moodaiah, Village Assistant of Palahalli Circle stated that during April-2023 PW-1/Ramya worked as Excise Inspector at Srirangapatna Range. PW-6 stated that on 19.04.2023 Excise Inspector, Srirangapatna Range served notice marked at Ex.P.8 insisting to work as panchas, thereafter along with Madhusudana and Girisha, Excise Inspector reached the house of accused No.1 and 2 situated in the land bearing Sy.No.273/1 of Palahalli Village.

33. PW-6 stated that on 19.04.2023 at 2.00 p.m. when in his presence as well as in the presence of panchas Excise Inspector inspected the land bearing Sy.No.273/1 of Palahalli Village behind the house of accused No.1 and 2 traced/noticed 23 ganja standing/live plants and 2 ganja plants plucked and stored, when asked the accused No.1 and 2 about ganja plants, they informed lack of license to grow

ganja plants, thereafter in the presence of panchas, Excise Inspector get plucked 23 ganja plants, then by recording the mahazar seized 23 ganja plants and 2 ganja plants, which are already plucked and stored, then along with accused returned to the office/went to the office.

34. In the evidence PW-6 identified his signature on the mahazar and notice marked at Ex.P.4 and 8 respectively.

35. In the evidence PW-6 identified that on 19.04.2023 at 2.00 p.m. in the land bearing Sy.No.273/1 of Palahalli Village in his presence Excise Inspector captured accused No.1 and 2, who are present in the Court Hall.

36. In the cross-examination PW-6 denied the negative suggestion about non-seizure of ganja plants in the land bearing Sy.No.273/1 of Palahalli Village on 19.04.2023 at 2.00 p.m. by PW-1/Excise Inspector by recording the mahazar marked at Ex.P.4.

37. In the report marked at Ex.P.2 it is noted that on 19.04.2023 PW-1/Excise Inspector noted that on the same day at 12.30 p.m. when she was discharging duties in the office, through phone received information about growing of ganja plants by accused No.1 and 2 in the sugarcane field illegally.

38. In the report marked at Ex.P.3 it is noted that on 19.04.2023 PW-1/Excise Inspector prepared the same noting that on the same day at 2.00 p.m. along with P.D.O., Palahalli Grama Panchayath, Village Assistant, Palahalli Circle, panchas went to the sugarcane field/land bearing Sy.No.273/1 of Palahalli Village belonging to accused No.1 and 2, searched sugarcane land situated behind the house of accused No.1 and 2, noticed/traced 1 wet ganja plant measuring 10 feet length having flower and leaves, 1 wet ganja plant measuring 5 feet length, same have been plucked and stored, 7 wet ganja plants measuring 10 inches each planted in 7 plastic bags, 3 ganja plants measuring 7 inches each planted directly in the ground by accused No.1 and 2, therefore captured accused No.1 and 2, returned to the office, registered case No.101/2022-23 for the offence punishable under Section 20(a), 20(b)(i), 25, 8(b) of N.D.P.S. Act and started investigation.

39. In the mahazar marked at Ex.P.4 it is noted that on 19.04.2023 since 2.00 p.m to 3.30 p.m. in the land bearing Sy.No.273/1 of Palahalli Village behind the house of accused No.1 and 2 in the presence of PW-2/Girsh S/o Shivanna, PW-3/Madhusudan S/o Lakshmana, PW-4/Yogesh S/o Nanjegowda/Excise Guard, PW-6/Bettaiah S/o

Moodaiah/Village Assistant, Palahalli Circle, PW-1/Excise Inspector traced/noticed 23 ganja plants (standing), 2 ganja plants already plucked and stored by the accused No.1 and 2, on enquiry accused No.1 and 2 informed to lack of license to grow ganja plants, therefore, get plucked 23 ganja plants (standing), seized 25 ganja plants by recording mahazar.

40. In the RTC for the year 2023-24 pertaining to the land bearing Sy.No.273/1 of Palahalli Village marked at Ex.P.26 nature of the land and nature of the crop grown are mentioned as dry land and hybrid paddy respectively.

41. In this case, among PW-1 to 4 and 6 who alleged to have been made signature on the mahazar marked at Ex.P.4, PW-1 and 4 are the officer and staff of Excise Department, PW-6 is an officer of the Revenue Department, PW-2 and 3 are the independent witnesses. In this case, among PW-1 to 4 and 6, PW-2 and 3 have not supported the case of the prosecution and submitted ignorance about the contents of the mahazar marked at Ex.P.4 and specifically stated that in their presence officers of the Excise Department have not seized any type of articles. Hence, a reasonable doubt arose in the mind of this Authority about genuineness and truthfulness of the oral evidence of PW-1 to 4 and 6 and contents of the mahazar marked at Ex.P.4 and relationship between accused No.1 and

2 and alleged seizure of ganja plants in the land bearing Sy.No.273/1 of Palahalli Village belonging to the accused No.1 and 2.

42. In view of the non-corroboration of the oral evidence of PW-1 to 4 and 6/officer and staff of Excise Department/Officer of the Revenue Department/independent witnesses each other and with the contents of the mahazar marked at Ex.P.4, nature of the land and nature of the crop grown in the land bearing Sy.No.273/1 of Palahalli Village as noted in the RTC marked at Ex.P.26, I have inferred that accused No.1 and 2 are entitle for benefit of doubt.

43. Hence, by extending benefit of doubt in favour of the accused No.1 and 2, I came to the conclusion that prosecution has failed to prove beyond reasonable doubt that on 19.04.2023 at 12.30 p.m./2.00 p.m. behind the house situated in the land bearing Sy.No.273/1 of Palahalli Village in the presence of PW-2/Girish, PW-3/Madhusudan, PW-6/Bettaiah Village Assistant, PW-1/Ramya/Excise Inspector traced 23 live/standing ganja plants of various measurements and two wet ganja plants measuring 10 and 5 feet height respectively illegally grown by accused No.1 and 2, thereby accused No.1 and 2 have committed the offences punishable under Sections 20(a) and 25 of N.D.P.S. Act.

Hence, I answer **point No.1 in the Negative** and pass the following:

ORDER

Acting under Section 235(1) of Cr.P.C., the accused No.1 and 2 are hereby acquitted from charges of the offence punishable under Sections 20(a), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Personal bonds/surety bonds executed by and on behalf of accused No.1 and 2 shall continue for a period of 6 months from today.

After completion of the appeal period or in case of filing of appeal, after final disposal of such appeal office to handover/return a packet containing alleged ganja marked at M.O.1 to the current Excise Inspector, Excise Department, Srirangapatna Range for disposal in accordance with law under proper acknowledgment.

Dictated to the Stenographer, who transcribed, then corrected by me, print taken, pronounced in the Open Court on **29th day of July, 2026.**

(SUBRAMANYA J.N.)

Prl.District & Sessions Judge,
Mandya.

ANNEXURE**1. List of witnesses examined for prosecution:-**

PW-1	Ramya H.D. W/o Pradeep Kumar G	CW-1	27.01.2026
PW-2	Girish S/o Shivanna	CW-2	27.01.2026
PW-3	Madhusudan S/o Lakshmana	CW-3	27.01.2026
PW-4	Yogesha S.N., S/o Nanjegowda	CW-5	28.01.2026
PW-5	B.Shivanna S/o Huchchappa	CW-10	28.01.2026
PW-6	Bettaiah S/o Moodaiah	CW-4	09.02.2026

**2. List of witnesses examined on behalf of accused :
-Nil-****3. List of documents marked on behalf of prosecution:-**

Ex.P.1	:	FIR dated 19.04.2023
Ex.P.1(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.2	:	Self report/statement dated 19.04.2023
Ex.P.2(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.3	:	Self report dated 19.04.2023
Ex.P.3(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.4	:	Mahazar dated 19.04.2023
Ex.P.4(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.4(b)	:	Signature of PW-2/CW-2/Girisha

Ex.P.4(c)	:	Signature of PW-3/CW-3/Madhusudan
Ex.P.4(d)	:	Signature of PW-4/CW-5/Yogesh/Excise Inspector
Ex.P.4(e)	:	Signature of PW-6/CW-4/Bettaiah/Village Assistant
Ex.P.5	:	List of seized properties
Ex.P.5(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.6	:	Letter dated 19.04.2023 sent to Dy.S.P.
Ex.P.6(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.7	:	Search warrant
Ex.P.7(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.8	:	Notice served on Bettaiah/PW-6
Ex.P.8(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.8(b)	:	Signature of PW-6/CW-4/Bettaiah/Village Assistant
Ex.P.9	:	2 nd list of seized properties
Ex.P.9(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.9(b)	:	Signature of PW-2/CW-2/Girisha
Ex.P.10	:	Notice served on Girish/PW-2
Ex.P.10(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.10(b)	:	Signature of PW-2/CW-2/Girisha
Ex.P.11	:	Notice served on Madhusudan/PW-3
Ex.P.11(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.12	:	Copy of the model seal

Ex.P.12(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.12(b)	:	Signature of PW-2/CW-2/Girisha
Ex.P.13	:	Notice served on P.D.O.
Ex.P.13(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.14	:	Letter with enclosures sent to JMFC, Srirangapatna
Ex.P.14(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.15	:	Inventory report with enclosures
Ex.P.16	:	Copy of model seal
Ex.P.16(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.17	:	Photos (19 in number)
Ex.P.18	:	Letter dated 30.05.2023 sent to Drug Disposal Committee, Mandya
Ex.P.18(a)	:	Signature of PW-1/CW-1/Ramya/Excise Inspector
Ex.P.19	:	Receipt dated 30.05.2023
Ex.P.20	:	Statement of PW-2/CW-2/Girish
Ex.P.21	:	Statement of PW-3/CW3/Madhusudan
Ex.P.22	:	Letter dated 13.06.2023 sent by PW-5 to Central Chemical Examination Lab
Ex.P.22(a)	:	Signature of PW-5/CW-10/Shivanna
Ex.P.23	:	Letter dated 20.06.2023 sent by PW-5 to Tahsildar
Ex.P.23(a)	:	Signature of PW-5/CW-10/Shivanna
Ex.P.24	:	Chemical Analysis report 01.08.2023

Ex.P.24(a)	:	Signature of PW-5/CW-10/Shivanna
Ex.P.25	:	Letter dated 18.11.2023 sent by Tahsildar to Excise Inspector
Ex.P.26	:	RTC pertaining to Sy.No.273/1 of Palahalli Village
Ex.P.26(a)	:	Signature of PW-5/CW-10/Shivanna

4. List of documents marked on behalf of defence: -
--Nil-

5. List of Material Objects marked in this case:

M.O.1 : A packet containing
alleged sample ganja.

(SUBRAMANYA J.N.)

Prl.District and Sessions Judge,
Mandya.