



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AND SPECIAL JUDGE (NDPS),
TUMAKURU.**

Present:

Sri B.Jayantha Kumar, B.A.LAW., LL.M.,
Prl. District & Sessions Judge
and Special Judge (NDPS),
Tumakuru.

Dated this the 25th day of June, 2026

SPECIAL CASE (NDPS) No.468/2022

Complainant :- The State by C.E.N. Crime Police Station,
Tumakuru, Tumakuru District.

**(By learned Public Prosecutor,
Tumakuru)**

- V/s. -

Accused :- 1. Asadulla Sharif S/o. Noor Mohammad
Shariff, Aged about 41 years, Residing
near Govt. School, 1st Cross,
Saraswathipuram, Maraluru Dinne,
Tumakuru Town.

2. Ayub Pasha S/o. Chand Pasha, Aged
about 41 years, Residing beside Badar
Mosque, 1st Cross, Veerasagara, Melekote,
Tumakuru Town.



3. Nawaz S/o. Fayaz, Aged about 25 years,
R/at No.27/13, 3rd Main, Near Gangamma
Temple, Mangammana Palya, Bengaluru
South, Bengaluru City.

(A.1 & 2 : By Sri. D.A.Jagadeesh, Adv.)
(A.3 : By Sri. R.V.Doddashanaiah, Adv.)

1. Date of Commission of Offence : 06.06.2022
2. Date of Report of offence : 06.06.2022
3. Arrest of the accused Nos.1 and 2 : 06.06.2022
Arrest of accused No.3 : 30.01.2023
4. Release of the accused No.1 : A.1 obtained bail in Crl. Pet. No.8132/2022 on 08.09.2022 by the Hon'ble High Court of Karnataka, Bengaluru and released on 16.09.2022.
Release of the accused No.2 : A.2 obtained regular bail in Crl. Mis. No.940/2022 on 07.07.2022 by this Court and released on 11.07.2022.
Release of the accused No.3 : A.3 obtained regular bail in Crl. Pet. No.134/2023 on 10.02.2023 by this Court and released on 10.03.2023.
5. Name of the complainant : Shanthakumar.K.S., CHC 388, CEN Police Station, Tumakuru.



6. Date of commencement of : 10.02.2024
Evidence
7. Date of closing of evidence : 09.03.2026
8. Offence complained of : Sec.20(b), 22(b) of N.D.P.S.
Act, 1985.
9. Opinion of the Judge : : Accused Nos.1 and 2 are
found guilty and convicted
for the offence punishable
U/Sec. 20(b)(ii)(B) of the
N.D.P.S. Act, 1985.

Accused No.3 is not found
guilty and acquitted for the
offence punishable U/Sec.
22(b) of the N.D.P.S. Act,
1985.

J U D G M E N T

Accused Nos.1 to 3 are tried and prosecuted for the
offences punishable U/Secs.20(b) and 22(b) of the Narcotic
Drugs and Psychotropic Substances Act, 1985 (hereinafter will
be referred as 'NDPS Act').



2. The brief facts of the case of the prosecution are as follows:

The accused Nos.1 and 2 with an intention to make unlawful gain by selling ganja and MDMA crystal, were in possession of the same and on 06.06.2022 at about 10.00 a.m., the accused Nos.1 and 2 were found in a remote place near Mango grove near Ankitha School at Maraluru Dinne by possessing 10 k.g. 669 grams of ganja leaves including dried sticks and seeds and 4.05 grams of MDMA crystal powder in a TATA Safari vehicle bearing KA-01-MD-5009 and they have made small packets of the above said articles for selling the same with an intention to gain unlawfully and it was found that the accused No.3 gave MDMA crystal to accused No.1 for selling the same and thereby the accused Nos.1 to 3 have committed the alleged offences and on the basis of the complaint of C.W.1, C.Ws.2, 3, 4 and 5 have conducted raid and seized 9 k.g. 931 grams of dried ganja along with sticks and seeds and 4.05 grams of MDMA crystal powder and also seized TATA Safari LX 4X2 DICOR Car bearing registration No.KA-01-MD-5009 and 25 small plastic zip lock



empty covers and accordingly, the respondent police have registered a case and took up investigation.

3. After seizing the ganja and after conducting inventory, the sample ganja was sent to the F.S.L., Bengaluru and the F.S.L., Bengaluru has received sample ganja on 21.06.2022 and gave endorsement and the respondent police have received F.S.L. report, thereby the accused No.1 and 2 found in possession of dried ganja leaves including sticks and seeds and MDMA crystal powder to sell and to make a unlawful profit and accused No.3 gave MDMA crystal powder to accused No.1 to sell the same without having any valid licence and permit.

4. During the crime stage, the accused Nos.1 and 2 were arrested and later, the accused No.2 obtained regular bail in Crl. Mis. No.940/2022 on 07.07.2022 by this Court and accordingly, this Court has enlarged him on bail on 11.07.2022. After completion of investigation, the investigation officer has filed charge sheet against the accused Nos.1 to 3 by showing that accused No.1 is in judicial custody and accused No.3 as absconding.



5. On submission of charge sheet, this court took cognizance for the alleged offences and registered this case. The accused No.1 has obtained bail in Crl. Pet. No.8132/2022 on 08.09.2022 from the Hon'ble High Court of Karnataka, Bengaluru and this Court released accused No.3 on 16.09.2022. The accused No.3 has obtained regular bail in Crl. Pet. No.134/2023 on 10.02.2023 by this Court and this Court released accused No.3 on 10.03.2023. After complying the provisions of Sec.207 of Cr.P.C. and after hearing the learned Public Prosecutor and learned counsel for the accused persons, as reasonable grounds existed, this Court framed the charge against the accused Nos.1 and 2 for the offence punishable under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and against the accused No.3 for the offence punishable under Sections 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Accused Nos.1 to 3 pleaded not guilty and claimed to be tried. Hence, the case was posted for trial.

6. During the course of trial, the prosecution has examined 13 witnesses out of 17 witnesses cited in the charge



sheet as P.W.1 to P.W.13 and got marked 47 documents as Exs.P.1 to P.47 and M.Os.1 to 4.

7. After conclusion of trial, this court recorded the statement of accused Nos.1 to 3 U/Sec.313 of Cr.P.C. The accused Nos.1 to 3 have denied all the incriminating circumstances appeared in the evidence and they have not let in any defence evidence.

8. Heard the arguments of Learned Public Prosecutor and learned counsels for the accused Nos.1 to 3.

9. The following points arise for my determination;

1. Whether the prosecution proved beyond all reasonable doubt that, on 06.06.2022 at about 10.00 a.m., in the remote place situated near mango grove near Ankitha School at Maraluru Dinne of Tumakuru, when C.W.1 Shanthakumar.K.S., HC 388, CEN Crime P.S. was on patrolling duty, the accused Nos.1 and 2 on inspection, were found in possession of 10 k.g. 669 grams of ganja leaves including sticks and seeds in a small packets and 4.05 grams of prohibited MDMA crystal using TATA Safari



Vehicle bearing registration No.KA-01-MD-5009 with an intention to sell the same for wrongful gain without having valid licence or permit and thereby the accused Nos.1 & 2 have committed the offence punishable U/Sec.20(b)(ii)(B) of the NDPS Act, 1985?

2. Whether the prosecution proved beyond all reasonable doubt that, the accused No.3 gave 4.05 grams of prohibited MDMA crystal to accused No.1 for selling the same, without having valid licence or permit and thereby the accused No.3 has committed the offence punishable U/S.22(b) of the NDPS Act, 1985?

3. What order?

10. My finding on the above points are as follows;

Point No.1: In the **Affirmative.**

Point No.2: In the **Negative.**

Point No.3: As per final order, for the following:

REASONS

11. Point No.1 :- The Criminal law was set into motion on basis of first information submitted by Shanthakumar.K.S.,



HC-388, CEN Police Station, Tumakuru on 06.06.2022 at 11.00 a.m. Ex.P.24 is the first information. In the said first information, he stated that on 06.06.2022, the PSI has deputed him and HC-50 Simon Victor.C., HC-193 Inayath Ulla Khan to collect information about selling of contraband ganja and they were in patrolling duty in Tumakuru City and at 10.00 a.m., they came to Maraluru Dinne, near Ankitha school in their two wheeler and found two persons standing near Mango tree in their TATA Safari bearing Reg.No.KA-01-MD-5009, on suspicion, they went near those persons who sat inside the car. On seeing the police, they tried to fled away from the spot by driving their car and they intercepted the car and enquired their names and address and they disclosed their names as Asadulla Shariff S/o Noor Mohammad Shariff, 38 years, Maraluru Dinne, Tumakuru and Ayub Pasha S/o Chand Pasha, 37 years, Veerasagara, Melekote Road, Tumakuru and they inspected the vehicle and found one cloth bag of 25 K.g. and found one packet rolled with papers and found ganja leaves with stalk and seeds, they also found zip lock covers in the hand of Asadulla Shariff and found white stone type material



and they confirmed that it is MDMA Crystal and immediately, he asked HC-50 Symon Victor and 193-Inayath Ulla Khan to keep watch on the accused and came to the police Station and submitted the first information. Thereafter, PSI Shameen.K.A. registered the case and took up investigation and secured Gazetted Officer, panchas staff, officer of legal Metrology Department and proceeded to the place and seized contraband from the possession of the accused.

12. The learned Public Prosecutor vehemently argued that the prosecution has examined in all 13 witnesses as P.Ws.1 to 13 and got marked Exs.P.1 to 47 and M.Os.1 to 4 and proved the case beyond all reasonable doubt and the accused Nos.1 and 2 were found in possession of dried ganja including sticks and seeds near remote place near mango grove situated near Ankitha School of Maraluru Dinne, Tumakuru without permit so as to sell the same for unlawful gain and accused No.3 gave MDMA crystal powder to accused No.1 to sell the same. Therefore, the prosecution has proved the guilt of the



accused Nos.1 to 3 beyond all reasonable doubt and prayed for conviction of the accused Nos.1 to 3.

13. The learned counsels for the accused Nos.1 to 3 vehemently argued that the accused Nos.1 to 3 have not committed any offence alleged against them, there are so many contradictions and infirmities in the evidence of the prosecution witnesses, the prosecution has not complied the requirements of provisions of N.D.P.S. Act and all the witnesses are official witnesses. Therefore, prayed for acquittal of the accused Nos.1 to 3.

14. Before discussing the oral evidence on record, it would be worthwhile to refer to the documentary evidence. Ex.P.1 is the Memorandum of Tumakuru Mahanagara Palike. Ex.P.2 is the notice issued to panchas, Ex.P.3 is the seizure mahazar conducted on 06.06.2022 between 1.00 p.m. and 2.00 p.m. in the presence of C.Ws.2 to 4 i.e., Suma, Kariyappa.K., Rangaraju.G.N. and Raghavendra, Exs.P.4 and P.5 are the photos taken during the seizure mahazar. Ex.P.6 is the DVD of spot mahazar. Exs.P.7 to P.11 are the photos in respect of car.



Ex.P.12 is the spot mahazar as shown by the accused conducted on 06.06.2022 between 2.30 p.m. and 3.15 p.m. Exs.P.13 and 14 are the photos taken during the spot mahazar as shown by the accused. Ex.P.15 is the inventory mahazar dated 17.06.2022. Exs.P.16 to P.19 are the photos taken during inventory mahazar. Ex.P.20 is the CD of inventory mahazar. Exs.P.21 and 22 are the body search memo of accused Nos.1 and 2. Ex.P.23 is the letter dated 06.06.2022 written to the Department of Legal Metrology by the investigating officer for appointing qualified officer for weighing the ganja. Ex.P.24 is the report/first information of P.W.5 Shanthakumar.K.S. lodged before the Station House Officer, CEN Crime P.S., Tumakuru on 06.06.2022. Ex.P.25 is the F.S.L. report, Ex.P.26 is the F.S.L. sample seal, Exs.P.27 and P.28 are the certificates given U/Sec.65(B) of the Indian Evidence Act in respect of Nataraju.N. and Shivakumar Lamani. Ex.P.29 is the mahazar witness notice issued to Samuel and Pramod. Ex.P.30 is the spot mahazar dated 31.01.2023 conducted between 2.30 p.m. and 3.00 p.m. as shown by the accused. Exs.P.31 and P.32 are the photos taken during the spot mahazar. Ex.P.33 is the first



information report. Ex.P.34 is the report dated 06.06.2022 submitted to the higher officer for conducting raid. Ex.P.35 is the letter dated 06.06.2022 written to the Commissioner, Tumakuru Mahanagara Palike by the investigating officer for appointment of the Gazetted Officer and two officials for seizure mahazar. Ex.P.36 is the record of reasons. Exs.P.38 and P.39 are the portion of the statements of accused. Ex.P.39 is the letter dated 07.06.2022 addressed to the higher officer by the investigating officer reporting the completion of raid. Exs.P.40 and P.41 are the letters dated 17.06.2022 written to the Legal Metrology Department and B.R.Ambedkar Development Corporation, Kunigal. Ex.P.42 is the acknowledgment for giving MDMA powder and ganja to the F.S.L. Exs.P.43 to P.45 are the reports given by the police officials regarding non-tracing of accused No.3. Ex.P.46 is the portion of the statement of accused No.3 and Ex.P.47 is the acknowledgment for giving seized articles to the Drugs Disposal Committee.

15. Now let me examine oral evidence of the prosecution. C.W.1 Shanthakumar.K.S. examined as P.W.5. In his evidence,



he deposed that on 06.06.2022, SHO Shameena Madam asked him, HC-50 Symon Victor, HC-193 Inayath Ulla to search of persons who are selling ganja and when they were on patrolling duty near Ankitha School, Maraluru Dinne, they found TATA Safari vehicle bearing Reg.No.KA-01-MD-5009 and on seeing them, who were inside the car trying to fled away with their vehicle and they intercepted them and asked their names and address and they disclosed their names as Asadulla Shariff and Ayub Pasha and they found one rice bag of 25 K.g. capacity and they found ganja leaves with stalk and seeds in the bag and also found zip lock cover in the hand of Asadulla Shariff containing MDMA crystal powder and he asked Symon Victor and Inayath Ulla Khan to keep watch on the accused and came to the Police Station and lodged the first information. He further deposed that PSI had registered a case in Crime No.57/2022. At about 12.30 p.m., he along with Gazetted Officer Smt. Suma, panch witnesses Kariyappa, Rangaraju and officers of Legal Metrology Department Sri.Raghavendra, Shivaprasad, Nataraj and PSI Shameen.K.A. had been to the place of incident in Jeep bearing Reg.No.KA-06-G-544 and Suma Madam asked



accused whether she should call any other officer to conduct body search or whether she can do body search and accused told that she can do their body search and thereafter, Gazetted Officer and panch witnesses have conducted body search and they did not find any contraband in their body and accused Asadulla Shariff was found with zip lock cover in his hand containing MDMA crystal powder, on weighing the same, weight came to 4.05 grams and thereafter, they conducted mahazar and put the MDMA crystal powder in a white cloth bag and sealed it in English letter 'C'. He further deposed that the bag held by Asadulla contains one packet and on weighing the same, they found 7 K.g. 82 grams stalk and seeds mixed ganja and they put the same in white cloth bag and sealed and again weighed which comes to 7 K.g 132 grams and they found 25 small zip lock covers in the hand of Ayub Pasha. Thereafter again weighed the ganja found in the hand of Asadulla Pasha, which came to 2 K.g 849 grams and same was put in white cloth bag and sealed and again weighed, which came to 2 K.g 892 grams. He further deposed that the mahazar was conducted in between 1.00 and 2.00 p.m and he signed the



mahazar Ex.P.3 and also identified 25 zip lock covers marked as M.O.1. He further deposed that on questioning the accused, they disclosed that they have purchased ganja near Antharasanahalli service road from a lorry driver and on the basis of said information, accused took them near the said place and shown the place where they purchased ganja near ESSAR Petrol bunk and conducted mahazar Ex.P.12 and he identified the photographs which was taken at the time of conducting mahazar as Exs.P.13 and 14. The learned counsel for the accused cross-examined this witness, nothing has been elicited from his mouth to disbelieve his evidence except denying chief examination.

16. C.W.2 Suma, Assistant Executive Engineer, Tumakuru City Corporation, Tumakuru examined as P.W.3. She is Gazetted Officer and she deposed that on 06.06.2022, her office received a letter from CEN Police Station addressing the Commissioner, City Corporation, Tumakuru to depute staff to conduct mahazar and the Commissioner deputed her, Revenue Inspector Kariyappa.K., SDA Rangaraju.D.N. and he issued memo marked at Ex.P.1. She further deposed that she



along with Kariyappa.K. and Rangaraju had been to the Police Station at 12.15 p.m. and reported and found PSI Shameen, PSI Kumari and police staff, Raghavendra, officer of Legal Metrology Department and police informed that they intend to go to near Ankitha School, Maraluru Dinne to conduct mahazar as they apprehended two persons while selling ganja in the vehicle and police issued notice marked as Ex.P.2. She further deposed that at 12.30 p.m., they had been to the place of incident and found two persons and car. On enquiry, they disclosed their names as Asadulla shariff and Ayub Pasha and when the police questioned the accused as to whether they possess ganja and they disclosed that they have ganja and she being the Gazetted Officer, asked the accused as to whether she can conduct body search or whether any other officer is required to conduct body search and accused consented to conduct body search and she conducted body search for herself and others before conducting body search of the accused and they did not have any contraband. She further deposed that prior to body search, she issued search memo marked as Exs.P.21 and 22 and accused signed body search memo as Exs.P.21(a) and 21(b). She further



deposed that accused Asadulla Shariff had packet containing stalk and seeds mixed ganja and MDMA crystal powder and Raghavendra weighed ganja and MDMA crystal powder, which came to 7 K.g. 82 grams and after putting the same in white cloth bag, sealed it in English letter 'C' and again weighed the bag which came to 7 K.g.138 grams and MDMA crystal powder weighed 4.05 grams. She further deposed that Ayub Pasha had ganja in 25 K.g capacity bag which was weighed 2 K.g. 849 grams and same was put in white cloth bag and sealed it in English letter 'C' and again weighed the bag which came to 2 K.g. 892 grams and they had 25 plastic zip lock covers. She has also stated about the TATA Safari car bearing No.KA-01-MD-5009 and she deposed about the mahazar Ex.P.3 and photographs marked as Ex.P.4 and 5 and photographs of the Car marked as Exs.P.7 to 11. She further deposed that they questioned the accused as to where did they get ganja and MDMA crystal powder, they disclosed that they have purchased the same near ESSAR Petrol bunk, Antharasanahalli and took them to the said place and conducted mahazar Ex.P.12 and taken photographs Exs.P.13 and 14. During the course of



cross-examination, learned counsel for the accused has failed to elicit any answer from the mouth of this witness to disbelieve her evidence. During the course of cross-examination, she stated that she do not know the capacity of weighing machine. She deposed that they weighed MDMA crystal powder in the same weighing machine.

17. C.W.3 Kariyappa.K., Revenue Inspector of City Corporation, Tumakuru examined as P.W.1. He deposed that he had accompanied the police along with Smt. Shameen to the spot on 06.06.2022. He deposed about mahazar, seizure of ganja and MDMA crystal from the possession of the accused. He has also deposed about TATA Safari vehicle bearing Reg.No.KA-01-MD-5009 and he also identified the accused before the court. He also deposed about weight of ganja and MDMA crystal powder and he also deposed about mahazar Ex.P.3 and photographs Exs.P.4 and 5. He deposed that they conducted mahazar near ESSAR Petrol bunk on Puna-Bengaluru Highway Antharasanahalli service road. The learned counsel for the accused cross examined this witness. Despite cross examination, he has failed to elicit any answer from the



mouth of this witness to disbelieve his evidence. Testimony of this witness remains unshaken and his credibility stands intact.

18. C.W.5, Raghavendra.H., Inspector of Legal Metrology Department examined as P.W.4 and he has also deposed that on 06.06.2022, CEN Police had requested the Assistant Controller of Legal Metrology Department to send trained officer to weigh ganja. He deposed that at 12.00 noon, on the said date, he had gone to CEN Police Station and found Smt. Shameen, Gazetted Officer Suma, Rangaraju and Kariyappa and they asked him to accompany them to weigh the ganja and then he along with police, Gazetted Officer, panchas visited near Ankitha School, Maraluru Dinne. He further deposed about seizure of ganja and MDMA crystal powder from the possession of accused and he also deposed that he had weighed ganja and MDMA crystal powder. He specifically stated the weight of ganja and MDMA before packing and after packing the same and he also identified his signature in Ex.P.3 mahazar. He identified photographs marked at Exs.4 and 5 and photographs of car marked at Exs.P.7 to 11. During the course of cross-



examination, learned counsel for the accused try to elicit from him as to whether he had weighed MDMA in the same weighing machine which weighed ganja. He deposed that he had weighed MDMA in the same weighing machine having capacity of 20 K.g., Except this, nothing has been elicited from his mouth to disbelieve his evidence.

19. C.W.14 Nararaj.N., the then Head Constable of CEN Police Station examined as P.W.7. He deposed that he has taken photographs and recorded video at the place of incident near Ankitha School, Maraluru Dinne and also at ESSAR Petrol bunk, Antharasanahalli. He identified photographs and video before court. Though the learned counsel for the accused cross-examined this witness, nothing has been elicited from his mouth to disbelieve his evidence. So, these are the evidence pertaining to spot mahazar, from where they seized ganja and MDMA from the possession of the accused and also about mahazar conducted in the place where they purchased the ganja and MDMA.

20. As far as inventory is concerned, the prosecution examined two witnesses i.e., CW.8-Raveesh Chandra.S.,



examined as PW.2 and he is the Inspector of Legal Metrology Department. He has stated that on 17.06.2022, he came to III Addl. Civil Judge and JMFC Court, Tumakuru to conduct inventory. He deposed that he had weighed ganja packet, which came 7 K.g. 110 grams and segregated 50 grams of ganja as sample for the purpose of chemical examination and he deposed about the packet of remaining ganja weighing 7 K.g. 60 grams and he deposed about that another packet of ganja weighing 2 K.g. 882 grams and segregated 50 grams of ganja as sample for the purpose of chemical examination and he deposed about the packet of remaining ganja weighing 2 K.g. 832 grams and he also deposed the weight of MDMA crystal powder which came to 4.05 grmas and he also deposed about inventory mahazar marked at Ex.P.15 and photographs marked at Ex.P.16-19 and video found in C.D marked at Ex.P.20. Though the learned counsel for the accused cross-examined this witness, nothing has been elicited from his mouth to disbelieve his evidence.

21. The prosecution has examined C.W.8 Shivakumar Lamani as PW.8. He deposed that he had taken photographs



and recorded video at the time of conducting inventory mahazar marked at Ex.P.15 and photographs marked at Exs. P.16-19.

22. Now, it is for this court to see the articles seized by police. The prosecution examined Dr. Vishwanatha Reddy.H. Scientific Officer, Narcotic Section, SFSL, Bengaluru as PW.6 and he deposed that on 21.06.2022, sealed articles were received in the laboratory for examination through H.R.Ramesh, HC of CEN Police Station,Tumakuru, the seals found on the articles were intact and tallied with the sample seal, the description found on the article correspond to that of those present in the invoice, the article received in the laboratory said to contain ganja and MDMA, she opened the sample found in the article No.1 and 2 have respondent positive for Cannabis (ganja), the sample found in the article No.3 have respondent positive for Methamphetamine and Cannabis contains psychoactive constituents and Methamphetamine is a stimulant drug. He further deposed that on examination, he gave report signed by him and the said report is marked as Ex.P.25 and his signature is marked as Ex.P.25(a), sample seal marked as Ex.P.26 and her signature is marked as Ex.P.26(a). He saw the



article which contains his signature in the slips and the said articles are already marked as M.O.2 to 4.

23. C.W.9 Mohammad Navaz Shariff examined as P.W.9, who is the owner of the car. He deposed that accused Asadulla Shariff is his brother. He deposed that he got released the vehicle from the court and he identified the car photographs marked as Exs.P.7 to 11. But he stated that he had parked the car near his house and police asked him to produce the car before Police Station on 05.06.2022 and he left the car in the Police Station. So learned P.P. cross examined him. He admitted that he has not stated in the application filed for releasing the vehicle that he himself dropped the car in the Police Station. So, it is clear that he deposed falsely in order to save his brother.

24. C.W.19 Pramod examined as P.W.10. He is mahazar witness Ex.P.30. In this case, the police filed charge sheet after the investigation showing the accused No.3 Nawaz as absconded. During the course of investigation, the police have recorded the voluntary statement of accused No.1 and 2. In their voluntary statement, they disclosed that one Nawaz gave



ganja and MDMA crystal powder. But the police could not arrest him and filed charge sheet as he absconded. After filing the charge sheet, accused No.3 voluntarily surrendered before this court on 30.01.2022 and he was remanded to J.C. On 31.01.2023, PSI, CEN Police Station sought police custody of accused No.3 and this court handed over him to the police custody till 01.02.2023. On the same day at 5.30 p.m., accused No.3 was produced from police custody and then he was remanded to J.C. On 31.01.2023, the police took him to police custody and recorded voluntary statement and on basis of the voluntary statement, they went to Mangammanapalya K.G.N. tyre puncher shop and conducted mahazar. It is the case of the prosecution that the accused No.3 disclosed in his voluntary statement that he is working at K.G.N. tyre puncture shop at Mangammanapalya, Bengaluru and accused Asadulla Shariff is lorry driver and he used to purchase ganja by paying Rs.300-400 and consume the same and he used to sell ganja purchased from Asadulla Shariff and one Salman.T. who used to come to tyre puncture shop very oftenly and he had acquaintance with him and he used ganja and MDMA and on



04.06.2022, he gave 4.05 grams of MDMA to Asadulla Shariff. He further stated that he will show the puncher shop of Mangammanapalya if he is taken to that place. So on the basis of the said voluntary statement, police went to puncture shop of Mangammanapalya at Bengaluru along with accused No.3 and conducted mahazar at Ex.P.30. P.W.10 is the mahazar witness. He has not supported the case of the prosecution in the chief examination. But in the cross-examination, he supported the case of the prosecution. During the course of cross-examination conducted by learned counsel for the accused No.3, he deposed that he do not know the contents of mahazar Ex.P.30. So his evidence is no way helpful to the prosecution. However, the prosecution has not recovered any ganja or MDMA crystal powder from the possession of the accused No.3.

25. C.W.21 Maruthesh.H.N. examined as P.W.11 and he deposed that he has typed mahazar Ex.P.30 and took photographs marked as Exs. P.31 and 32.

26. C.W.18 Samuel examined as PW.12. He is witness for mahazar Ex.P.30 and he has supported the case of the prosecution.



27. C.W.17-K.A. Shameen examined as P.W.13. She has narrated the incident, receipt of first information from Shanthakumar.K.S., registration of the case, investigation, recording of statement of witnesses and seizure of ganja and MDMA crystal powder from accused No.1 and 2, conducting of mahazar near Ankitha School, Maraluru Dinne, near ESSAR Petrol bunk, Antharasanahalli. She further deposed about inventory mahazar, sending sample ganja and MDMA crystal powder for chemical examination and sought accused No.3 for police custody and conducted mahazar near puncture shop, Mangammanapalya, and submission of remaining ganja to the Drug Disposal Committee and filing of charge sheet. She also deposed that she had intimated Dy.S.P. before conducting mahazar on 06.06.2022 and she also intimated Dy.S.P. on 07.06.2022 regarding successful completion of raid and conducting of seizure mahazar. Therefore, the prosecution is successful in proving the case against accused No.1 and 2. But there is no evidence on record to convict the accused No.3 and no recovery of contraband is made from accused No.3. The prosecution has successfully demonstrated in the trial that the



accused Nos.1 and 2 have committed the offence punishable U/ Sec.20(b)(ii)(B) of the N.D.P.S. Act. The prosecution has complied Secs.41, 42, 50 of the NDPS Act and there is a presumption in the NDPS Act. Sec.54 of the NDPS Act Says that unless and until the contrary is proved, that the accused has committed an offence in respect of any narcotic drug or psychotropic substance or controlled substance for the possession of which he fails to account satisfactorily. Therefore, the accused has failed to rebut the said presumption. Therefore, there are sufficient material to convict the accused No.1 and 2 for the offence punishable U/S.20(b)(ii)(B) of the N.D.P.S. Act. With these observation, **I answer point No.1 in the Affirmative and Point No.3 in the Negative.**

28. Point No.3:- In view of my findings on points No.1 and 2, I proceed to pass the following:

ORDER

The accused Nos.1 and 2 are found guilty and hence, acting under Section 235(2) of Cr.P.C., the accused Nos.1 and 2 are convicted for the offence



punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The accused No.3 is found not guilty and hence, acting under Section 235(1) of Cr.P.C., the accused No.3 is acquitted for the offence punishable under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Bail bond executed by the accused Nos.1 to 3 during the course of trial stands cancelled.

The bail bond executed by the accused No.3 under Sec.437-A of Cr.P.C., shall be in force for six months.

*(Dictated to the Stenographer, transcribed and computerized by her. Script corrected, signed and then pronounced by me in the open Court on the **25th day of June, 2026**).*

(B. Jayantha Kumar)

Prl. District and Sessions Judge
and Special Judge (NDPS),
Tumakuru.

Heard accused Nos.1 and 2, learned counsel for the accused Nos.1 and 2 and learned Public Prosecutor.

2. Accused No.1 submits that he is married and having two children, he has not committed any offence and



he is aged about 41 years and he has aged mother and the accused No.2 submits that he is married and having four children, he has not committed any offence and he is aged about 41 years and he has aged father. The accused Nos.1 and 2 submit that they are having family members and leniency may be shown while imposing punishment.

3. Learned counsel for the accused Nos. 1 and 2 submit that accused Nos.1 and 2 are having family who are depending on them and leniency may be shown while imposing punishment.

4. Learned Public Prosecutor submits that the accused Nos.1 and 2 are convicted for the offence punishable U/Sec.20(b)(ii)(B) of the N.D.P.S. Act and maximum punishment may be imposed against the accused Nos.1 and 2.

5. Drug abuse is a social malady. While drug addiction eats in to the vitals of the society, drug trafficking not only eats in to vitals of the economy, but illicit money generated by drug trafficking is often used for illicit activities including encouragement of terrorism. It has acquired the dimension of an epidemic, affects the economic policies of the state, corrupts the system and is detrimental to the future of a country.

6. In this case, the accused Nos.1 and 2 are convicted for the offence punishable U/Sec.20(b)(ii)(B) of the N.D.P.S. Act, 1985.



7. The punishment prescribed for the offence U/Sec.20(b)(ii)(B) of the N.D.P.S. Act is, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees.

8. Therefore, considering the gravity of the offence committed by the accused Nos.1 and 2, considering the facts and circumstances of the case, considering the family background, age of the accused and considering the submission made by the accused Nos.1 and 2 before the Court, I am of the opinion that it is just and expedient to impose punishment of rigorous imprisonment to accused Nos.1 & 2 for a period of four years each and fine of Rs.20,000/- each for the offence punishable U/s.20(b)(ii)(B) of N.D.P.S. Act and in default of payment of fine, they shall undergo rigorous imprisonment for six months. Before concluding this judgment, this Court acknowledges and appreciates the assistance rendered by learned Public Prosecutor, Investigation Agency and Court Woman Police Constable and learned counsel for accused. Hence, I proceed to pass the following:

ORDER

Accused Nos.1 and 2 shall undergo rigorous imprisonment for four years each and pay fine of Rs.20,000/- (Rupees Twenty Thousand only) each for the offence punishable



U/Sec.20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and in default of payment of fine, they shall undergo rigorous imprisonment for six months.

Period of detention undergone by accused No.1 from 06.06.2022 till 16.09.2022 and accused No.2 from 06.06.2022 till 11.07.2022, during the investigation, enquiry and trial is given set off as against the term of imprisonment imposed in this case as provided under Sec.428 of the Code of Criminal Procedure, 1973.

M.O.1 is ordered to be destroyed and M.Os.2 to 4 are ordered to be handed-over to the Drugs Disposal Committee for disposal in accordance with law, after appeal period is over.

Supply free copy of the judgment to the accused Nos.1 and 2.

*(Dictated to the Stenographer, transcribed and computerized by her. Script corrected, signed and then pronounced by me in the open Court on the **25th day of June, 2026**).*

(B. Jayantha Kumar)

Prl. District and Sessions Judge
and Special Judge (NDPS),
Tumakuru.

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

P.W.1 : Kariyappa.K.
P.W.2 : Raveesh Chandra.S.
P.W.3 : Suma.
P.W.4 : Raghavendra.H.
P.W.5 : Shanthakumar.K.S.
P.W.6 : Dr.Vishwanatha Reddy.H.
P.W.7 : Nataraja.N.
P.W.8 : Shivakumara Lamani.
P.W.9 : Mohammad Nawaz Sharif.
P.W.10 : Pramod.
P.W.11 : Marutheesh.H.N.
P.W.12 : Syamuel.
P.W.13 : K.A.Shameen.

List of documents exhibited for prosecution:-

Ex.P.1 : Memorandum dated 06.06.2022.
Ex.P.1(a) : Signature of P.W.13.
Ex.P.2 : Notice to panchas.
Ex.P.2(a) : Signature of P.W.1.
Ex.P.2(b) : Signature of P.W.3.
Ex.P.2(c) : Signature of P.W.4.
Ex.P.2(d) : Signature of P.W.13.
Ex.P.3 : Seizure mahazar dated 06.06.2022.
Ex.P.3(a) : Signature of P.W.1.
Ex.P.3(b) : Signature of P.W.3.



- Ex.P.3(c) : Signature of P.W.4.
Ex.P.3(d) : Signature of P.W.5.
Ex.P.3(e) : Signature of P.W.6.
Ex.P.3(f) : Signature of P.W.13.
Exs.P.4 & 5 : Two photos taken during mahazar.
Ex.P.6 : DVD.
Exs.P.7 to 11 : Five photos in respect of car.
Ex.P.12 : Spot mahazar as shown by the accused.
Ex.P.12(a) : Signature of P.W.1.
Ex.P.12(b) : Signature of P.W.3.
Ex.P.12(c) : Signature of P.W.5.
Ex.P.12(d) : Signature of P.W.7.
Ex.P.12(e) : Signature of P.W.13.
Exs.P.13 & 14 : Two photos.
Ex.P.15 : Inventory mahazar.
Ex.P.15(a) : Signature of P.W.2.
Ex.P.15(b) : Signature of P.W.8.
Ex.P.15(c) : Signature of P.W.13.
Exs.P.16 to 19 : Four photos.
Ex.P.20 : Inventory mahazar C.D.
Exs.P.21 & 22 : Two body search memo.
Ex.P.21(a) & 22(a) : Signatures of P.W.3.
Ex.P.21(b) & 22(b) : Signatures of accused Nos.1 and 2.
Ex.P.23 : Letter written to the Department of Legal Metrology.
Ex.P.23(a) : Signature of P.W.13.
Ex.P.24 : Report of P.W.5.
Ex.P.24(a) : Signature of P.W.5.
Ex.P.24(b) : Signature of P.W.13.



- Ex.P.25 : F.S.L. report.
- Ex.P.25(a) : Signature of P.W.6.
- Ex.P.26 : F.S.L. sample seal.
- Ex.P.26(a) : Signature of P.W.6
- Ex.P.27 : Certificate U/Sec.65(B) of the Evidence Act.
- Ex.P.27(a) : Signature of P.W.7.
- Ex.P.28 : Certificate U/Sec.65(B) of the Evidence Act.
- Ex.P.28(a) : Signature of P.W.8.
- Ex.P.29 : Notice.
- Ex.P.29(a) : Signature of P.W.10.
- Ex.P.29(b) : Signature of P.W.12.
- Ex.P.29(c) : Signature of P.W.13.
- Ex.P.30 : Spot mahazar dated 31.03.2023.
- Ex.P.30(a) : Signature of P.W.10.
- Ex.P.30(b) : Signature of P.W.11.
- Ex.P.30(c) : Signature of P.W.12.
- Ex.P.30(d) : Signature of P.W.13.
- Exs.P.31 & 32 : Photos in respect of mahazar.
- Ex.P.33 : First information report.
- Ex.P.33(a) : Signature of P.W.13.
- Ex.P.34 : Letter written to the higher officer for conducting raid.
- Ex.P.34(a) : Signature of P.W.13.
- Ex.P.35 : Letter written to the Commissioner, Tumakuru Mahanagara Palike.
- Ex.P.35(a) : Signature of P.W.13.
- Ex.P.36 : Record of reasons.
- Ex.P.36(a) : Signature of P.W.13.
- Exs.P.37 & 38 : Portion of the voluntary statements of



- accused.
- Ex.P.39 : Letter written to the higher officer for completion of raid.
- Ex.P.39(a) : Signature of P.W.13.
- Exs.P.40 & 41 : Letters dated 17.06.2022 written to the Legal Metrology Department and Dr.Ambedkar Development Corporation, Kunigal.
- Exs.P.40(a) & 41(a) : Signatures of P.W.13.
- Ex.P.42 : Acknowledgment for giving ganja and MDMA powder to F.S.L.
- Ex.P.42(a) : Signature of P.W.13.
- Exs.P.43 to 45 : Reports given by the police officials in respect of non-tracing of accused No.3.
- Ex.P.46 : Portion of the voluntary statement of accused No.3.
- Ex.P.47 : Acknowledgment for giving of seized articles to Drugs Disposal Committee.

List of witnesses examined for accused:-

- NIL -

List of documents exhibited for accused:-

- NIL -

List of material objects produced and got marked for prosecution:-

- M.O.1 : 25 zip lock plastic covers.
- M.O.2 : Sample ganja.



M.O.3 : Sample ganja.
M.O.4 : One packet MDMA powder.

**Prl. Dist. & Sessions Judge and
Special Judge (NDPS),
Tumakuru.**