

IN THE COURT OF SESSIONS, PALAKKAD DIVISION
Present : Shri.D.Sudheer David, Additional Sessions Judge-II

Tuesday, the 31st day of March, 2026
10th day of Chaithra, 1948 S.E

SESSIONS CASE No. 527/2019
(Crime No.125/2019 of Pattambi Police Station)

Complainant : State of Kerala, Rep. by the Inspector of Police,
Pattambi Police Station, Palakkad
By Adv. Shri. Sreenath Venu,
Special Public Prosecutor, Palakkad

Accused : Amaljith, S/o Bhaskaran, aged 19/2019,
Kuvapparaveedu, Meenmutti Post,
Kodamcheri Desom, Thamarasseri,
Kozhikode District.
Advocate by Shri.Sujith.M.

Charge Under Section : Under Sections 20 (b) (ii) (B) of NDPS Act

Plea of the accused : Not guilty

Finding and Sentence : Accused is acquitted under Section 258 (1) of
BNSS for the offence under Section 20(b) (ii)
B of NDPS Act. He is set at liberty for that
offence. His bail bonds stands cancelled.

Description of the accused :

Name	Father's Name	Occupation	Age	Residence
Amaljith	Bhaskaran	--	19/2019	Kuvapparaveedu, Meenmutti Post, Kodamcheri Desom, Thamarasseri, Kozhikode District.

Date of :

Occurrence	:	26.03.2019
Complaint	:	26.03.2019
Apprehension	:	26.03.2019
Release on bail	:	13.05.2019
Commitment	:	11.10.2019
Commencement of trial	:	08.12.2025
Close of trial	:	20.02.2026
Sentence	:	31.03.2026

This case has been finally heard on 26.03.2026 and this court on 31.03.2026 delivered the following.

JUDGEMENT

This is a case based on the Final report filed by Inspector of Police Pattambi Police Station, against the accused alleging offence u/s 20 (b) (ii) B of Narcotic Drugs and Psychotropic Substance Act 1985 (hereinafter referred to in short as ‘the N.D.P.S Act’)

2. The case of the prosecution in brief is that, accused was found possessing 1.300 kilograms of ganja at an allay leading to Bilal Masjid mosque, situates opposite Rajadhani bar hotel, near to Pattambi railway station on the evening 26.3.2019 at 16:30 hours, contravening the provisions of NDPS Act.

3. On detecting the offence, a crime was duly registered after complying with the initial formalities and on the investigation that followed a complaint was filed, in which cognizance under Section 20 (b) (ii) B of NDPS Act was taken and process issued

to the accused upon which he appeared. Accused was enlarged on bail in the crime stage, upon which he is allowed to continue in this proceedings.

4. Thereafter learned Special Public Prosecutor opened up his case by describing the charge levelled against the accused and stating the evidences, he proposed to prove his guilt.

5. Thereafter basing on the submission of Learned Special Public Prosecutor and the prosecution records and also after hearing both sides, it is satisfied that there are grounds to presume that accused had committed an offence, which is triable by this Court. Hence, charges against the accused under Section 20 (b) (ii) B of NDPS Act was framed, read over and explained, to which he pleaded not guilty and claimed to be tried.

6. Prosecution, then examined PW1 to PW6 and marked Exts. P1 to P21, P14 series and MO1 and 2 and MO1 series.

7. On the closure of the prosecution evidence accused was questioned u/s 351(i) (b) BNSS, in which he denied all the incriminating circumstances appearing in the evidence of the witnesses and filed written statement pleading that, he was not arrested by PW1 and team with contraband, as stated by the prosecution. This case is falsely registered against him. The true fact is that, he and one of his relative Abin were standing in Pattambi railway station. At that time, a police officer of Pattambi police station, by name, Suresh, approached them and inspected their bodies, based on some wrong information received by him. But nothing objectionable could be detected from their body. Following the same, he and his relative question the policeman, that made him to take them to the police station and to beat them up there. Then they openly told him that

they would give complaint against him. It infuriated him and based on that he followed his false case against him and also against his relative which is crime, 126/19. He is totally innocent and he may be acquitted.

8. Thereafter, on hearing the prosecution and defence under section 255 of BNSS it was found to be not a case of 'no evidence' and hence the trial proceeded with by calling upon the accused to enter into his defence by adducing evidence and he proved Exts. D1 to D9, D1 and D2 series.

9. Heard both sides.

10. The points raised for consideration are: -

1) Whether the accused possessed 1.300 kilograms of ganja at an allay leading to Bilal Masjid mosque, situates opposite Rajadhani bar hotel, near to Pattambi railway station on the evening 26.3.2019 at 16:30 hours, as alleged?

2) Sentence and Order?

11. **Point No.1:-** It is the case of the prosecution that accused possessed 1.300 kilograms of ganja at an allay leading to Bilal Masjid mosque, situates opposite Rajadhani bar hotel, near to Pattambi railway station on the evening 26.3.2019 at 16:30 hours. In proof, thereof, it relied on the evidence of 6 witnesses examined, all of whom deposed in tune with their respective points.

12. Among the supporting witnesses, PW1 is the detecting officer. According to him, on 26.3.2019, he was working as Sub Inspector, Pattambi Police Station. On that day, by evening, he went out of the police station for the purpose of conducting law and

order patrol duty in connection with Lok Sabha Elections and reached near Pattambi railway station. While he was watching that place, he found an youngster, wearing a white check pant and full sleeve shirt with dots, hanging a shoulder bag of the colours blue and ash, in a small mud allay leading to a mosque there in, that lies opposite to Rajadhani bar hotel, that situaties near to the railway station. On seeing the jeep he got perplexed and tried to move out of that place. He felt suspicion and stopped him and questioned him. But he did not give any answer. Then he asked about the contents of the shoulder bag he was keeping, to which also he did not given any answer. So he took possession of that shoulder bag and inspected the same and found inside its chamber a round shaped brown packet, wrapped with cello tape. He asked about the contents of it, but he did not give any answer. So he opened it up, slitting it with a knife taken out from the kit from his jeep. He opened that packet and inside it, he found an English newspaper and a cover with black stripes, that contains leaves, stems, flowers, and seeds. He and the members of his party and also the witnesses present over there were able to convince it as ganja. Then he realised that the name of that person as Amaljith. He identified him as accused in court. He asked him about records that enabled him to keep ganja, to which he answered in the negative. So he arrested him at 5:5 PM. He proved the arrest memo as Ext. P1. Then he send one of the policeman in his team to the police station for bringing weighing machine and he brought it to the spot at 5:35 PM. Then he mixed the ganja found in the packet, placing it over the bonnet of the jeep and weighed it, which was having a weight of 1.300 kilograms. Then he weighed the packing materials of the ganja, namely, the cello tape, newspaper, and polythene cover and found it to have a weight of

80 grams. He put the ganja in a polythene cover and packed it affixing slip in it, that contains the name and signature of the accused, witnesses and himself. He also has affixed SHO seal in it and stapplered that polythene cover and wrapped it in brown paper and tied it with twine and affixed seal in it in wax and also affixed a label in it, that contains the names of the accused, witnesses and himself and give it the marking, S1. He took that packing into custody. In the same way he packed the packing materials of the ganja , such as the cellotape, newspaper, and polythene cover in another packet and put a slip in it, that contains the signatures of the accused witnesses and himself, along with his designation and staplered the cover and the packet it in brown paper and tied it with the twine. He also packed the shoulder bag in which the accused carried the ganja and affixed SHO seal in it.

13. He also has affixed a slip in the other side of it, that contains the name, address and signatures of the accused witnesses and himself. He gave it the marking P1. Then he gave intimation of the arrest of the accused. He also prepared inspection memo in connection with the arrest of the accused. He proved it as Ext. P2. Then he prepared Ext. P3 seizure mahazer. It contains the signatures of himself and witnesses. He has identified the slip affixed in the packet as Ext. P4. He has identified the plastic cover in which the packing of the ganja was packed. He has identified the label put in the cover as Ext. P5. He has identified the packing materials of the ganja, such as newspaper cellotape and the plastic cover as MO1 series. He identified the shoulder bag in which accused carried the Ganja as MO2.

14. Then he took the accused along with the contraband and the records prepared to the police station, where he prepared Ext. P6 First Information Statement and based on that registered Ext. P6(a) First Information Report. He gave intimation of the arrest of the accused to the mobile number provided by him. He proved it as Ext. P7. Then he prepared report under Section 57 of NDPS Act and they sent it to his immediate superior officer. He has proved it as Ext. P8. It contains the signature of himself and his superior officer who received it. He prepared Ext. P9 remand report and produced the accused before the court. He also has prepared property list and produced the seized articles before court. He has proved it as Ext. P10.

15. Then he prepared application for inventory proceedings along with inventory list. He proved the application as Ext. P11 and the inventory list as Ext. P12. Based on that, he appeared before the court and collected two samples of 25 grams each two covers and wrapped it in brown paper and affixed label and seal in it. He gave it to the marking S1 and S2. The packing contains the signatures of himself and the Magistrate. He prepared Ext. P13 Thondi list, in which the specimen impression of the seal affixed in the sample is affixed. Photographs of the inventory proceedings were taken, which he proved as Ext. P14 series. The packet of the ganja can be seen from the first photograph of it. The Magistrate has issued separate certification of the inventory proceedings, which he proved as Ext. P15.

16. PW5, the investigating officer deposed that, on taking investigation he prepared scene mahazer, which he proved as Ext. P17. Then he send the sample taken for chemical analysis under the forwarding note he prepared. He proved it as Ext. P20. He

sent the residue ganja to the disposal committee, as per Ext. P18 proceedings of the District Court. He also has proved the receipt under which the residue ganja was received at the godown as Ext. P19. He received the report given to him by PW1 under Section 57 of the NDPS Act, which he identified as Ext. P8. He has proved the chemical analysis report of the sample, which is Ext. P16. He completed the investigation and filed final report.

17. It is seen PWs 4 and 6 give evidence almost in tune with the evidence of PW1 in matters concerning the detection of the contraband took place in the place of detection. However, it is seen that accused is able to bring out materials throwing strong suspicion on the detection of the offence by PW1 and his team on that particular day and time. The General Diary and the Duty Register Report of the police station of PW1 are those material. They are Ext. D1 series and D4 to D7 respectively. PW1, would admit both those records. For analysing those records it requires to closely note the sequence of events that allegedly led to the detection of the contraband from the accused, as deposed by PW1 and other witnesses. According to PW1 on the evening of 26.3.2019 he conducted law and order patrol duty in connection with Lok Sabha elections and for that purpose, he proceeded from the police station in his official jeep with his team. In the cross examination, it is brought out that names of the police officials who were on duty in the police station would be noted in the General Diary and apart from that, the duty assigned to each and every officials in the police station would be entered in the Duty Card. Ext. D1 is the Duty card, which PW1 would admit also. Then he was confronted with the entries in it, which shows that he was assigned with traffic duty on 26.3.2019,

which is the date of the alleged detection and he would admit it. He further would admit that other entries in that record do not show that the members of his patrolling team, whom he named as Biju Mon and Sreekumar, were assigned with law and order petrol duty on that particular day. Those entries are Ext. D1(a) and D1(b). However, he made a clarification that police officers of his rank, namely, Additional Sub Inspector will have to do patrol duty as and when they were called upon to do it. But when it was asked whether such abrupt call for petrol duty would be entered in the General Diary, he would answer in the affirmative. Then he was confronted with the General Diary, which is Ext. D2, in which no entry regarding his doing petrol duty on that day is recorded. On the other hand, it also would state that his duty on that particular day was in traffic unit. With these records it is suggested to him that he did not do law and order patrol duty on that particular day evening, that is the reason why those records do not show that he and his patrolling team members were engaged in patrol duty on that day and that they actually did the duty, that led to the detection of this offence.

18. Needless to say, these aspects brings out that PW1 and other police officers, whom he mentioned as the members of his patrolling team, did not do patrol duty on the evening of 26.3.2019. It necessarily has to raise suspicion with respect to the very detection of the offence in this case, as it is claimed to have been detected in the patrolling done by PW1 and team. More pertinently it is brought out by the accused that one of the members of the patrolling team of PW1, namely, BijuMon, who was having the number 5399, as seen from Ext. P1 arrest memo, is shown to be in station sentry duty on 26.3.2019 in different times, particularly from 4:57 PM to 8:41 PM, as seen from

Ext.D6 and 7 General Diary entries. If that be the case, how could that particular police officer be part of the patrolling team of PW1 on that particular day evening, in which the accused is stated to have been nabbed with the contraband. It is quite impossible for him to be part of the alleged patrolling team when he was in station sentry duty during the relevant time. So it can be considered that, that particular officer was not part of the alleged patrolling team of PW1 on that particular day at a time. It shatters the case of the prosecution that PW1 and his team conducted patrolling duty on that particular day evening and detected the offence in this case. This has to cut the root of that case, giving the accused the benefit of it.

19. Add to that, it is seen, prosecution failed to bring out evidence regarding the identity of the contraband seized from the accused because Ext. P4 seizure mahazer does not contain the specimen seal impression allegedly affected in the contraband in the spot while packing it. Honourable High Court in **Aneesh v. State of Kerala (2025 IOC 2899)** has ruled the importance of affixing the specimen impression of the seal affixed in the seizure mahazer and suspicion that it would impose upon the prosecution case in case of the absence of it. Here in this case PW1 did not explain why he did not affix the specimen seal impression in Ext. P4 seizure mahazer. So also the prosecution could not explain it, which I feel is passed out on the identity of the contraband allegedly seized from the accused and packed in the place of detection.

20. Cumulative effect of all this discussion makes me to find that the prosecution case for the accused suffers from the above said vital factors, which I feel, serious suspicion on it. The accused, is perfectly entitled to get its benefit, making no

chance other than to find against his guilt in this case. It makes him to get an acquittal. Point is answered against the prosecution.

21. **Point No. 2:-** In result accused is acquitted under Section 258 (1) of BNSS for the offence under Section 20(b) (ii) B of NDPS Act. He is set at liberty for that offence. His bail bonds stands cancelled.

22. MOs are ordered to be destroyed after the expiration of the appeal period.

Prepared in Voice typing to Google docs app, typed by it and corrected by me and pronounced in Open Court on this the 31st day of March 2026.

Sd/-
Additional Sessions Judge- II

APPENDIX

List of Prosecution/Defence/Court Witness

A. Prosecution Witness :-

Rank	Name	Date	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other witnesses
PW1	Biju.N.P., Sub Inspector of Police, Pattambi Police Station	08.12.2025	Police witness
PW2	Jeevan Micheal, Village Officer, Pattambi	12.01.2026	Expert Witness
PW3	Jaideep.S.	12.01.2026	Other witness
PW4	Sreekumar, CPO 5659, Pattambi Police Station	12.01.2026	Police witness
PW5	K.G.Suresh, Inspector of Pattambi Police Station	05.02.2026	Other Witness
PW6	Shameer Ali	20.02.2026	Other Witness

B. Defence Witnesses: Nil

C. Court Witness : Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl. No.	Exhibits Number	Date	Description
1	Ext. P1	26.03.2019	Arrest Memo
2	Ext.P2	26.03.2019	Inspection Memo
3	Ext. P3	26.03.2019	Seizure Mahazar
4	Ext.P4	--	Label outside MO1
5	Ext.P5	--	Slip inside the MO1
6	Ext.P6	26.03.2019	FIS
7	Ext.P6(a)	26.03.2019	FIR
8	Ext. P7	--	Arrest Intimation
8	Ext.P8	26.03.2019	Section 57 Report
9	Ext.P9	26.03.2019	Remand Report
10	Ext.P10	26.03.2019	Property List
11	Ext.P11	--	Section 52 A(2) Application
12	Ext.P12	26.03.2019	Inventory List
13	Ext.P13	28.03.2019	Thondi List
14	Ext.P14 Series	--	Photographs (Nos.10)
15	Ext.P15	28.03.2019	Inventory Proceedings
16	Ext.P16	--	Scene Plan
17	Ext.P17	28.03.2019	Scene mahazar
18	Ext.P18	01.04.2019	Proceedings of Sessions Judge, Palakkad
19	Ext.P19	02.04.2019	Godown Receipt
20	Ext.P20	01.04.2019	Forwarding Note
21	Ext.P21	27.02.2021	Chemical Examination Report

B. Defence Exhibits :

1.	Ext.D1	--	Duty Register (Copy)
2.	Ext.D1(a)	--	Extract from duty Register
3.	Ext.D1(b)	--	Extract from duty Register
4.	Ext.D2	--	GD Register (Copy)
5.	Ext.D2(a)	--	Entry in GD register
6.	Ext. D3	--	Medical Report of Amaljith
7.	Ext. D4		GD Entry No.12
8.	Ext. D5		GD Entry No.15
9.	Ext. D6		GD Entry No.17
10.	Ext. D7		GD Entry No.20
11.	Ext. D8	26.03.2019	Copy of Charge Sheet Crime No.126/2019
12.	Ext. D9	26.03.2019	Copy of Seizure Mahazar (SC 528/2019)

C. Court Exhibits :Nil**D. Material objects**

Sl No.	Material Objects	Description
1	MO1 Series	Newspaper, Plastic cover, Cello Tape
2	MO2	Shoulder Bag

Sd/-
Additional Sessions Judge- II

**Fair/Copy of Judgment in
S.C.No.527/2019
Dated: 31.03.2026**