

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

Friday, the 29th day of May, 2026
8th day of Jyaishta, 1948 S.E

SESSIONS CASE No.990/2019

(Crime No. 32/2018 of Excise Enforcement & Anti Narcotic Special Squad,
Palakkad)

Complainant	: State of Kerala, Rep. by the Assistant Excise Commissioner, Excise Enforcement & Anti Narcotic Special Squad, Palakkad. By Adv. Shri. Sreenath Venu, Special Public Prosecutor, Palakkad
Accused	: 1. Akhil Saji, aged 22/2018, S/o Saji, Machotil Veetil, Kodikulam Village, Kodikulam Desom, Thodupuzha Taluk, Idukki District. 2. Askar Latheef, aged 20/2018, S/o Latheef, Puzhakarayil Veetil, Kodikulam Village, Kodikulam Desom, Thodupuzha Taluk, Idukki District. By Advocate: Shri. Aravindakshan.K. Deputy Cheif Legal Aid Defence Counsel - A1 Shri.T.P.O. Akbar Ali - A2
Charge Under Section	: Under Section 20(b) (ii) (B) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
Plea of the accused	: Not guilty
Finding and Sentence	: The first accused to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹1,00,000/- (Rupees one lakh only) for the offence under Section 20(b) (ii) B of NDPS Act, in default of payment of fine and to undergo Rigorous Imprisonment for 6 months more. He is also sentenced to undergo

Rigorous Imprisonment for 2 years and to pay an amount of ₹ 1,00,000/- (Rupees one lakh only) for the offence under Section 29 of NDPS Act, in default of payment of fine to undergo Rigorous Imprisonment for 6 months more. Both substantive sentences shall run concurrently.

The second accused to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹1,00,000/- (Rupees one lakh only) for the offence under Section 20(b) (ii) B of NDPS Act, in default of payment of fine and to undergo Rigorous Imprisonment for 6 months more. He is also sentenced to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹ 1,00,000/- (Rupees one lakh only) for the offence under Section 29 of NDPS Act, in default of payment of fine to undergo Rigorous Imprisonment for 6 months more. Both substantive sentences shall run concurrently.

Both accused persons are entitled to get set off under section 468 of BNSS.

Description of the accused :

Name	Father's Name	Occupation	Age	Residence
Akhil Saji	Saji	Coolie	22/2018	Machotil Veetil, Kodikulam Village, Kodikulam Desom, Thodupuzha Taluk, Idukki District.

Askar Latheef	Latheef	Coolie	20/2018	Puzhakarayil Veetil, Kodikulam Village, Kodikulam Desom, Thodupuzha Taluk, Idukki District.
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DATE OF :

Occurrence	: 03.05.2018
Complaint	: 23.10.2019
Apprehension	: 03.05.2018 -A1 &A2 21.07.2025 - A1
Release on bail	: 10.07.2018 & 05.08.2025 -A1 10.07.2018 - A2
Commitment	: 20.01.2020
Commencement of trial	: 21.11.2025
Close of trial	: 25.05.2026
Sentence	: 29.05.2026

This case has been finally heard on 25.05.2026 and this court on 29.05.2026 delivered the following.

JUDGMENT

This is a case based on the Complaint filed by Assistant Commissioner of Excise Excise Enforcement and Anti Narcotic Special Squad, Palakkad, against first and second accused alleging offence u/s 20 (b) (ii) B and 29 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, first and second accused were found jointly possessing 3.00 kilograms of ganja, with each of them individually carrying 1.5 kilograms in the shoulder bags held by them, by the side of the road in front of Mani’s

café, that situates near to a narrow gate in the eastern entrance of Palakkad Junction railway station, on the evening of 3.5.2018 at 5 PM, contravening the provisions of NDPS Act, and thereby committed the offence alleged against them.

3. On detecting the offence, a case was duly registered by the detecting officer, after complying with the initial formalities and thereafter on the investigation that was conducted by the investigating officer, a complaint was filed before the court, upon which cognizance under Section 20 (b) (ii) B and 29 of NDPS Act was taken and process issued to the first and second accused, in which they appeared. Both were enlarged on bail in the crime stage itself, upon which they were allowed to continue in this proceeding.

4. Thereafter, learned Special Public Prosecutor opened up his case by describing the charge levelled against the first and second accused and stating the evidences he proposed to prove their guilt. Basing on that and the other prosecution records and hearing both sides, it is satisfied that there are grounds to presume that first and second accused had jointly committed an offence, which is triable by this Court. Hence, charge against the first and second accused under Section 20 (b) (ii) B and 29 of NDPS Act was framed, read over and explained to them, to which they pleaded not guilty and claimed to be tried.

5. Thereafter, prosecution examined PW1 to PW6 and marked Exts. P1 to P32 and P21 series and MO1 to 5 and MO1 Series.

6. On the closure of the prosecution evidence first and second accused were questioned u/s 351(i) (b) BNSS, by putting forth all the incriminating circumstances

appearing in the evidence of the witnesses, in which they would deny the entire case and first accused would plead that, it is a false case. He was travelling in a train. At that time some officials approached him with a bag and took him to the office of RPF, from where, he was taken to their office, that was housed in a three storied building. There, they took his signatures in blank papers. When enquired about it, they assaulted him. Then they told him that the bag contained ganja and that they had suspicion about it against him. Actually, he was in possession of another bag, which they searched and found nothing. He showed his identity card and working dresses to them. But they were not ready to heed it. He was, then taken to the residence of the judge in the evening, where he stated his innocence and pointed out to the judge that he was falsely implicated. But the judge did not understand his plea. He did not do any wrong.

7. The second accused also would deny the entire case and pleaded that, he was travelling from Coimbatore in a train in his way back to his residence. He was sleeping inside the train. At that time officials came and asked his bag. He showed his bag and they searched it out, and nothing was recovered. Then they asked him to stand outside the train. When he was standing outside 2-3 officials came with another bag and asked whether it belonged to him. He said that it was not his bag. But they did not admit it. They took him to the station. They did not allow him to call his co-workers. Instead, they told him that he would be released after getting his signature in certain papers. They took certain signed papers from him. Because of his young age he gave signed papers to them. Then he found them packing a bag at their office. He asked them why his whereabouts were collected by them, to which they answered that, no harm would be

happen to him. Thereafter, he was produced before the Magistrate and got remanded. It was not his bag. He has no connection with this case.

8. Thereafter, on hearing the prosecution and defence under section 255 BNSS it was found to be not a case of 'no evidence' and hence the trial proceeded with by calling upon the first and the second accused to enter into his defence by adducing evidence, but they did not adduce any evidence. But certain contradictions in the evidence of the prosecution witnesses were marked as Exts. D1 and D2.

9. Heard both sides.

10. The points raised for consideration are: -

- 1) Whether the first and second accused jointly possessed 3.00 kilograms of ganja, with each of them individually carrying 1.5 kilograms each in the shoulder bags held by them, by the side of the road in front of Mani's café, that situates near to the narrow gate in the eastern entrance of Palakkad Junction railway station, on the evening of 3.5.2018 at 5 PM, as alleged?
- 2) Whether the first and second accused jointly possessed 3.00 kilograms of ganja, with each of them individually carrying 1.5 kilograms each in the shoulder bags held by them, by the side of the road in front of Mani's café, that situates near to the narrow gate in the eastern entrance of Palakkad Junction railway station, on the evening of 3.5.2018 at 5 PM, pursuant to the conspiracy they hatched?
- 3) Sentence and Order?

11. **Point No.1:-** It is the case of the prosecution that first and second accused jointly possessed 3.00 kilograms of ganja, with each of them individually carrying 1.5 kilograms each in the shoulder bags held by them, by the side of the road in front of Mani's café, that situates near to the narrow gate in the eastern entrance of Palakkad Junction railway station, on the evening of 03.05.2018 at 5 PM. In proof thereof, it tried to take support from the 6 witnesses examined, all of whom deposed in tune with their respective points.

12. Among the witnesses PW1 is the detecting officer. According to him, on 3.5.2018 while he was working as Excise Special Squad Circle inspector his party and Palakkad Excise Intelligence Bureau party had jointly conducted patrol duty in places at Olavakode. When they reached the south-eastern side of the railway station, where a narrow revolving gate is erected, he found the first and second accused, who are in the box, passing through that narrow gate, hanging shoulder bags in their backs. He identified first and second accused in the court. They, on seeing him and party, tried to return back to the railway compound, which arose suspicion on him. He and party then stopped them and questioned above their act of retreating, in the presence of witnesses. But they did not give any answer.

13. PW1 continued deposing that, the behaviour of the first and second accused was suspicious, he caused him to entertain a belief that they might be keeping narcotic drugs. So, he intimated them of the necessity to conduct their bodies search and for that purpose, he apprised them of their right to get searched in the presence of a Magistrate or a Gazetted officer, orally and in writing. But they waived that right and put it in writing.

He has proved the written notice given to the first accused as Ext. P1. It contains the signature of himself, the first accused and also the witnesses. He also has proved the notice given to the second accused as Ext. P2, which also contain the signature of himself, the second accused and the witnesses.

14. This part of the evidence of PW1 was put to cross examination by first and second accused separately, in which, I feel he stood firm without yielding to any noticeable contradiction or omission. He specified the matters to place prelude of the detection, as he and his team and the Intelligence Bureau Team came to the spot separately, almost in the same time and parked their respective vehicles a bit away and proceeded forward, searching that area. However, in the cross examination made by the first accused, he would admit that his duty as a member of the special squad would be entered in the general diary and his duty notebook place, which would be put to monthly verification by his superior officers, but that he did not give those records to the investigating officer in this case.

15. In the cross examination made by the second accused, he would specify that he and his team started for patrol duty of that day at about 3.00 PM. However, he would admit that, nowhere, it is recorded that, at what time his team reached the place of detection and at what time they saw the accused persons therein. But he would specify that his team left the place at 6:30 PM.

16. With respect to the compliance of Section 50 of NDPS Act, PW1 stood by his narrative, which is seen to be getting corroboration from Exts. P1 and P2 notices individually given to the first and second accused in the spot. On a perusal of those two

records, it is seen to be satisfying the mandatory requirements of Section 50 of the said Act, as it give specific intimation to the accused persons their right to get the presence of Magistrate or a Gazetted officer for the purpose of conducting their body search. It also contains their writings, waving their right to get the presence of the above stated officers for their body search. Both those records show the date and time of its preparation as 3.5.2018 at 4:00 PM, which tally with the time that PW1 deposed as seeing the accused persons, the bags and starting the procedures.

17. The learned counsel for the accused persons would try to downplay Exts. P1 and P2 notices, citing certain aspects. The first one is that, the alleged writing of the accused person in it, waving their right, do not state that they understood their right to get searched in the presence of a Magistrate or a Gazetted officer, which according to him cast suspicion as to the compliance of the mandatory requirement of Section 50 of the NDPS Act. The second one is that, those notices do not contain signatures of independent witnesses, which he projected to challenge the evidence of PW1 that those record were prepared in the spot, prelude of the body search he induced to make on the accused persons because of the suspicion he entertained upon them.

18. I am afraid I cannot endorse with these contentions of the learned counsel for the accused. It is seen from Exts. P1 and P2 records that both accused persons had written in it in their own handwriting and signatures stating that their body search can be conducted by PW1 himself. The writing of PW1 made in it specifically brings out that, he intimated them that they could seek for the presence of a Magistrate or a Gazetted officer for the purpose of conducting their body search. It is to that intimation they made the

writings, waving the presence of those officials. It could be found as done after fully knowing about their right to get the presence of the above said officials for the purpose of conducting body search on them and that, it is that right they waved under that writing. It makes me to ignore the first contention of the learned counsel for the accused persons made on that count.

19. With respect to his second contention that no independent witnesses signed in Exts. P1 and P2 records, it appears that, PW1 initiated that procedure as a routine checking in order to find out whether the accused persons were concealing any objectionable articles, including narcotic drugs. It obviously has the character of a chance detection, in which it cannot be expected a strict compliance of all the procedural formalities. So, it is quite an excusable act on the part of PW1 not calling independent witnesses when he gave those notices to the accused persons, with the intention to conduct their body search. It is seen, after the giving of that notices, he made strict compliance of the provisions of Section 50 of the NDPS Act by getting the presence of a Gazetted officer, in spite of the fact that accused persons waived that right. So I am of the considered view that no suspicion can be found with the genuineness of the procedure that PW1 made with respect to the giving of Exts. P1 and P2 notices to the accused persons. So, I ignore that particular challenge made by the learned counsel for the accused persons.

20. Here it is to be noted that, PW4, Inspector of Excise intelligence Bureau, whose team also participated in the patrolling duty of PW1, specifically deposed about the case of the prosecution, including the proceedings of PW1 made when he alone with

the joint patrolling team found the first and second accused in that particular place, carrying shoulder bags. According to him, the accused persons tried to decamp on seeing the patrolling team, but PW1 intercepted them and proceeded to conduct their body search, and for that purpose gave Ext. P1 and P2 notices to them. In the cross examination he gave more details of it, such as, his team and the team of PW1 came to that spot almost in the same time, in their own vehicles and they proceeded to check the place jointly, for which there were oral instructions from their higher ups. He was also questioned about the records showing that he was on duty on that particular day and he answered that it was recorded in the general diary of his office, but with the admission that he did not give it to the investigating officer.

21. The learned counsel for the first and second accused pointed out a number of contradictions and omissions he made in the cross examination, in order to nullify his evidence. The proved omissions are, his depositions that, (1) accused persons revealed their names when PW1 asked them about it (2) the ganja seized from the accused persons were weighed in the weighing machine taken out from the official vehicle of PW1 (3) PW1 used his personal seal 'MRK', to seal the articles packed and taken in to custody. None of these testimonies, he had stated in his previous statement.

22. The learned counsel for the accused persons pointed out another deposition of PW4 also as an omission, which is to the effect that, accused persons got perplexed and tried to retreat on seeing the joint patrolling team. But the investigating officer, PW6, would clarify it by deposing that, PW4 had actually given such a previous statement, but omitted to state the sentence that, they got perplexed on seeing the patrolling team. Such a

previous statement, I feel cannot make his above stated deposition an omission, as his previous statement brings out the sense what he had deposed before the court, though it was not in the exact words and sentence. So, I am not directing that particular deposition of PW4 as an omission.

23. However, the first three depositions of PW4, stated above, are omissions, as they did not state it in his previous statement. Of course, those depositions are matters of material importance, which could affect his credibility. But I feel, it by itself cannot be taken to reject his entire evidence, that specifically brings out the whole incident of the detection of the contraband from the first and second accused on that particular day, time and place and the allied procedures that took place therein. So I am of the considered view to take his evidence with care and caution, without rejecting it in toto. On having such an analysis, I find that, his evidence as to the joint patrol done under the leadership of PW1 and their coming across the first and second accused, with shoulder bags in their backs, and PW1 deciding to inspect their body, on feeling suspicion and for that purpose, giving Ext. P1 and P2 notices to them, tallies with the evidence of PW1, which together with the corroboration it receives from those two records, makes me to accept that part of his evidence of PW1. It strengthens the evidence of PW1 given on those aspect, that surges the credibility of that part of the case of the prosecution.

24. The evidence of PW1 runs further to the effect that, in spite of the fact that first and second accused waived their right to get the presence of a Magistrate or a Gazetted officer for conducting the body search of the first and the second accused, he brought a Gazetted officer, who is Excise Assistant Commissioner, Palakkad. He

contacted him over phone and he came over the scene. He introduced him to the accused persons and thereafter took possession of the shoulder bag held by the first accused and inspected the same and found an orange colour nylon cover with its opening tied together, containing something. He untied it and found inside parts of a plant, such as leaves, flowers, seeds and the top portion of stems. He took a small quantity of it and inspected the same by smelling after crushing it and realized it to be ganja. He convinced the same, the Gazetted officer and the members of his team and also the witnesses present over there.

25. Then he (PW1) opened up the shoulder bag possessed by the second accused, inside which there was a white plastic cover, that was packed with something. He opened it up and found inside parts of a plant, such as leaves, flowers, seeds and the top stems. He took a small quantity of it and inspected the same by smelling after crushing it and realized it to be ganja. He convinced the same, the Gazetted officer and the members of his team and also the witnesses present over there. Then he searched the body and apparels of the accused persons, but nothing objectionable could be found out. Then, he prepared body search mahazers, the one pertaining to the first accused is Ext. P3 and that of the second accused is Ext. P4. Both contains the signatures of himself and the Gazetted officer.

26. Thereafter, he took into custody, the ganja found in the possession of the first accused, preparing search list. He proved it as Ext. P5. He also prepared search list with respect to the ganja seized from the second accused and took the ganja into custody. Both records contain the signatures of himself and the Gazetted officer.

27. Accused persons could not bring out any significant breakthrough in the cross examination of PW1, with respect to this part of his evidence. He deposed that he did not give separate notice to the Gazetted officer for witnessing the body search of the accused persons. So also, Ext. P2 notice does not state about the presence of that officer in connection with the body of the accused persons. However, he would specify that he gave Ext. P4 body search report to that officer in the spot. It is seen from Ext. P3 and P4 body search reports that the Gazetted officer made writings with respect to the body search made on the first and second accused and the detecting of the ganja from their respective bags, under his dated signature. It necessarily establishes the presence of the Gazetted officer in the place of detection, which can only be for witnessing the body search made on the accused persons, proving that part of evidence of PW1 acceptable, especially with the corroboration it receives from the evidence of the Gazetted officer, PW5.

28. According to PW5, when he was working as Assistant Commissioner, Palakkad Excise Enforcement, and Anti Narcotic Special Squad, the Circle Inspector of his office, PW1, gave intimation about the detention of the accused persons near to Olavakode railway station and requested his presence over there to witness the body search to be conducted on them. Accordingly, he went over to the place of detection, where he found the accused persons, whom he identified in the court. He signed in Exts. P3 and P4 body search reports of the accused persons, together with the list prepared in connection with their body search, which he proved as Exts. P5 and P6 and also the seizure mahazer, which is Ext. P9.

29. In the cross examination, PW5 would state that, PW1 contacted him over phone at 4:30 PM on that day. He was available in his office and he reached the spot at 4:40 PM. He remained there for 1 hour, witnessing all the procedures done by PW1 and left the place only after the completion of it. According to him, the exact place of detection was 15 meters east to the narrow revolving gate of the railway. Accused persons, though would try to challenge it by saying that no space is available in the east of the said revolving gate, they did not bring out it with positive evidence. He denied the suggestion that accused persons did not have any connection with the contraband seized and that, he put signature in the records at his office.

30. It is seen that the evidence of PW5 provides total support to the evidence of PW1 with respect to the bodies search made on the first and second accused persons in the place of detection and the detection of separate packs of ganja from the bags individually held by them. Exts. P 3 & 4 records prepared in connection with the body search of the accused persons in the place of detection is seen to be signed by PW5, which assertively prove his presence in the place of detection and his participating in the body search made on the accused persons. It gives credence to that part of the evidence of PW1, capable of acceptance.

31. So also, the evidence of PW4 and PW5, an independent witness, give added support to the evidence of PW1 on that aspects. It is the seen, PW4 has specifically deposed about the presence of the Gazetted officer in the place of detection and body search conducted on the first and the second accused in his presence and the searching out of the two packets of ganja from their bags individually held by them. He would

categorically state about the preparation of Ext. P3 to 6 records in connection with the body search conducted on the accused persons. According to him, PW1 telephoned PW5 to come to the spot, and it was after his arrival in the spot the bags of the accused persons were searched, that led to the detection of the individual quantities of ganja from their respective bags. He specified the place of search and detection as in the road in front of the revolving gate.

32. Nothing significant could be brought out in that part of the cross examination of PW4, making me to accept it, especially with the unanimity in which it runs with the evidence of PW1 and 5. It is seen, there is an independent witness, whom the prosecution declared hostile for not stating its case in the sequence in which it was put forth by it. He is PW3. According to him, on 3.5.2018, while he was working as porter of Olavakode Railway Station Excise officials showed him certain packets, which they stated him to be ganja. Accused persons were there, whom he saw in the spot. Thereafter, Excise officials took the packets with them, packing the same. He signed in the records prepared by the officials, which he identified as Exts. P1, P2, P7, P8 and P9.

33. In the cross examination, PW3 would state that it was in front of the gate of the railway station he put signatures in the above stated records. He denied the suggestion that he puts signatures in those records at the Excise office. Two contradictions were brought out in his deposition, one is in relation with his previous statement that, he was running a vegetable store, which is marked as Ext. D1 and proved through PW6, the Investigating Officer. The second one is in relation with his previous statement that, he was residing at Industrial Estate and he was doing works over there, which he denied and

got marked as Ext. D2, but it was not duly proved through PW6, making it not to be taken as a contradiction.

34. As far as Ext. D1 contradiction is concerned, it is with respect to his job during the relevant time. But the fact that he was able to give a general statement with respect to the detection of the ganja from the spot and the presence of the accused persons over there and also the factum of his signing in the contemporaneous records prepared in the place of detection, makes me to find him a true witness. It makes me to ignore that practical contradiction, which is not directly concerned with the detection of the contraband from the accused persons, alleged by the prosecution.

35. The above evidence of PW3 also give support to evidence of PW1, It along with the evidences of PW 5 and PW4, makes me to record a positive finding with respect to the body search conducted on the first and second accused by PW1 in the presence of PW5, and searching out of the separate quantities of ganja from the individual bags of the accused persons. It makes that part of the prosecution case to stand proved.

36. Continuing with the evidence of PW1, he deposed that, then he weighed the ganja seized from the first accused in the electronic weighing machine available in his custody and found it to have a weight of 1.500 kilograms. He also weighed the ganja seized from the second accused in the same device, which also had a weight of 1.500 kilograms. Then he arrested the first accused and prepared arrest memo, which he proved as Ext. P7. It contains the signatures of himself, the witnesses and the first accused. Then he arrested the second accused, preparing Ext. P8 arrest memo, which also contains the signatures of himself, the witnesses, and the second accused.

37. Thereafter, he (PW1) packed the ganja seized from the first accused in a plastic cover and sealed its opening by melting and wrapped it in cotton cloth and affixed it with label, that contains a brief description of the case and the signatures of himself, the witnesses, and also the first accused and affixed seal in it. He gave it the marking P1. He also packed the ganja seized from the first accused in a plastic cover and sealed its opening by melting and wrapped it in cotton cloth and affixed it with labels, that contains a brief description of the case and the signatures of himself, the witnesses, and also the second accused and affixed seal in it. He gave it the marking P2.

38. Then he (PW1) packed the packing materials of the ganja, such as white plastic cover and nylon cover, by wrapping it in brown paper and twining, labeling and sealing it. He gave it the marking P3. He took into custody the shoulder bag in which the first accused carried the ganja, affixing label and seal in it. He gave it the marking P4. In the same way, he packed the shoulder bag in which the second accused carried the ganja, giving it the marking P5. Thereafter, he prepared Ext. P9 seizure mahazer, stating all the aspects, which contains the signatures of himself, the gazetted officer and other members of his party. He also affixed his personal seal that were affixed in the articles seized and packed, the impression of which is 'MRK'.

39. Nothing significant could be brought out in the cross examination of PW1 with respect to the weighing, packing, labelling and the sealing of the contraband. Questions were asked with respect to the weighing machine and he would admit that he did not state the details of it in the records. So also, he did not state whether it was a calibrated one. However, it is a fact that the weighing machine was taken from his official

jeep, meaning thereby, it is an official device, making it to presume on its working condition. It makes me to ignore the non-production of the calibration certificate by the prosecution with respect to the weighing machine, used to weigh the seized ganja from the accused persons.

40. However, it is a fact that the plastic covers in which the ganja were packed were not weighed. PW1, would admit it when asked about it. But, it is his assertion that the weight of the two quantities of ganja seized from the first and second accused weighed 1.500 kilograms each, which is seen reiterated in all the records, including the Ext. P17 property list, under which it is produced before the Magistrate and Ext. P19 inventory list produced before the Magistrate for inventory proceedings. Accused person could not prove it otherwise that the said weight of the ganja is wrong. It makes me it to accept assertion of PW1 on that the weight of the ganja seized from the accused persons were having a weight of 1.500 kilograms each.

41. Even otherwise, no significance can be given to the non- weighing of the plastic covers, as it could not affect the weight of 1.500 kilograms each found with the two quantities ganja seized from the first and the second accused. Because the weight of a plastic cover ordinarily cannot not exceed 10 or 20 grams, when viewed in the ordinary course of natural events. Nothing is there to find it otherwise. As such a weight could not substantially change the weight of the ganja stated by the prosecution as 1.500 kilogram each, which is assertively deposed by PW 1. So I am of the considered view to accept the case of the prosecution that two quantities of ganja seized from the first and second

accused weighed 1.500 kilograms each, ignoring the fact that the plastic covers in which it was packed was not separately weighed.

42. It is seen, the evidence of PW1 with respect to the weighing, packing, labelling and the sealing of the contraband, gets corroboration from the recital in Ext. P9 seizure mahazer. He is able to identify the packed materials taken into custody from the spot, which are MO1 series of the packing materials of the two quantities of ganja seized from the accused, together with its Ext. P10 label and also MO2 and MO3 bags and its Ext. P11 and P12 labels. It necessarily gives support to his narrative regarding the packing, labelling and sealing of the contrabands.

43. Cumulative effect of all these aspects makes me to record a positive finding with respect to the weighing, packing, labelling and the sealing of the contraband seized from the first and second accused, giving an upward surge to the prosecution case.

44. The learned counsels for the first and second accused would challenge Exts P7 and P8 arrest memos prepared in connection with the arrest of the accused persons. They would point out that, those records do not contain the signature or initials of the Magistrate or the seal of the court to show when it were actually produced before the court. It, according to them, has to affect the genuineness of the arrest of the accused persons on that particular day and time as claimed by the prosecution.

45. I am afraid I cannot endorse with this contention of the learned counsels for the accused persons. Because it is seen none of the records prepared in the spot, were seen signed or initialed by the Magistrate or the seal of the Magistrate court fixed in it. However, it is seen from Ext. 16 remand report and Ext. P17 property list, that the

Magistrate has made endorsement in it with respect to the production of the first and second accused and the production of the article seized before him on 3.5.2018 11:10 PM, which is the date of detection itself. It is of common knowledge that, all the records prepared up to the time of the production of the accused and article seized before the Magistrate would be produced before the Magistrate along with the accused and the article seized. There is nothing to find an exception in this case also. So, it can be found that all records prepared before the production the accused persons and production of the seized articles before the Magistrate, including Ext. P7 and P8 arrest memos, were also produced before the Magistrate along with the accused persons and the seized articles and it was an omission on the part of the Magistrate to put his signature or initial in those records when it were produced before him. Prosecution cannot be blamed for it, nor could the case put forth by it regarding the arrest of the accused persons on that particular day and time and the production of records concerning it before the Magistrate on that day itself cannot be doubted. So, I ignore that particular contention of the learned counsel for the accused persons.

46. The learned counsels for the accused persons put forth yet another contention as against the records prepared in the place of detection, that all of it contains the number of the crime and occurrence report registered in this case. PW1 was asked about it and he explained it by saying that, it was put when those records were produced before the court. There is absolutely nothing to rule out such a possibility, nor is to invariably find that those records were prepared after the registration of the crime and

occurrence report. So, I accept that explanation of PW1 and reject that contention of the learned counsels for the accused persons as well.

47. Then, with respect to the post detection procedures, the evidence of PW1 runs to the effect that, thereafter, he took the accused persons to the Excise office, along with the contraband and records prepared, where he prepared Ext. P13 Crime and Occurrence Report. He gave intimation of the arrest of the first accused to his cousin over phone, the written record of which is Ext. P14. He has proved the written intimation of the arrest of the second accused given to the father of the second accused as Ext. P15. Then he prepared remand report and produced the accused persons before the court. He proved it as Ext. P16. He also prepared property list and produced the properties seized before the court, which he proved as Ext. P17. It contains his signature and specimen impression of the seal fixed in the articles seized. It was on 3.5.2018 he produced the articles before the court, which the Magistrate returned back for producing on the next working day. He complied with that direction by producing those properties on the next working day, which is endorsed in the property list under the dated seal of the Magistrate court.

48. So also Ext. P13 Crime and Occurrence report shows that it was received by the Magistrate on 5.3.2018 at 11:10 PM, as per the endorsement made by the Magistrate in it. As found above, Exts. P16 remand report and Ext. P17 property list were also seen by the Magistrate on that day. First and second accused did not object these records, making it to find as to be prompt production of those records along with the accused persons and the property seized before the Magistrate on the date of detection itself,

which provided strength to the prosecution case put forth against the first and second accused.

49. Contentions were made to challenge the genuineness of the article seized, in reference to its production before the Magistrate. PW1 would answer it by saying that all the article seized, including the contraband produced before the Magistrate on the night of the date of detection itself, but it was returned back for producing on the next working day. Acting upon that direction, he produced all those articles before the Magistrate on the next day, which is evident from the dated seal of the Magistrate court are fixed in it.

50. This evidence of PW1 is seen to be a correct statement, as Ext. P17 property list contains the endorsement of the Magistrate that the properties were received on the night of 3.5.2018 11:10 PM with a direction to return it back on the next working day. Initials of the Magistrate is seen put in it with the date 3.5.2018. Another dated initial of 4.5.2018 is also seen there. A dated seal of 4.5.2018 is seen fixed in the top of it. Both those initial and seal can be taken as made at the time when the seized properties were received back by the Magistrate on 4.5.2018. No other reason and can be assigned to it in that record. So, it can be found that the testimony of PW1 that he returned back of the seized articles to the Magistrate court on the next working day of the date of detection, as per the direction of the Magistrate given on 3.5.2018, can be found as a true statement. It rules out any chance for doubting the genuineness of the seized articles, including the contraband in this case, as it were promptly produced before the Magistrate after the time of detection.

51. Next is the inventory proceedings. PW1 deposed that, he gave application for inventory, which he proved as Ext.P18. He also submitted Ext. P19 inventory list along with it. Based on that, he appeared before the court and took 2 samples of 25 grams each from the ganja seized from the first accused and packed it by putting it in plastic covers and sealing its opening by melting and wrapping it in brown paper and affixing label in it. He gave the samples the marking P1-S1 and P1-S2. In the same way, he collected 2 samples of 25 grams each from the ganja seized from the second accused and packed it in plastic covers and sealed its opening by melting and wrapped it in brown paper and affixed label in it. He gave the samples the marking P2-S1 and P2-S2. He affixed his personal seal in all the samples. He submitted list of samples before the court, which he proved as Exhibit P20. It contains the signatures and the specimen impression of his seal. Photographs of the inventory proceedings were also taken, which he proved as Exhibit P21 series. The packets of ganja taken into custody from the place of detection is seen in the first photograph among it. Magistrate has given separate certification with respect to the inventory proceedings, which he proved as Exhibit P22. He has produced the specimen impression of his signature and seal in court, separately, which is Ext. P23.

52. On going through the records of inventory, Exbt. P19 inventory list shows the description of the packet of ganja submitted for inventory proceedings, which reads “two packets of 1.5 kilograms of dry ganja enclosed in two plastic cover and melted the edges then covered with cotton cloth and tied across with twine and sealed at centre of both sides. Marked as P1 and 2”. It is perfectly with the description of the packing of the contraband made in Ext. P17 property list. It is seen, P22 certification of the Magistrate

narrates the production of the two packed ganja before him, which is tallying with Ext. P19 inventory list. It further states about the taking of two representative samples of 25 grams each from the contrabands, with an assertion as to its genuineness and correctness. It also endorsed the untampered production of the packed contraband before him, without noticing any sort of tampering in it.

53. It is seen the inventory proceedings were initiated on 7.5.2018, as evidence by Exbt. P22 certification of the Magistrate, which is the 4th day of the date of detection. But there is no reason to find any suspicion, as it could be the date given by the Magistrate to initiate inventory proceedings according to his convenience. PW1, hence, could not have any say on it. However, the packed contraband was produced before the Magistrate on the date of detection itself, as evidence by the endorsement of the Magistrate in Ext. P17 property list. In all respects, the inventory proceedings appear to be perfect, without any reason to suspect it.

54. Needless to say, Exbt. P22 certification of the Magistrate given with respect to the inventory proceedings exhorts the correctness of that proceeding, that includes the intact state of the packing of contraband produced before him for the purpose of inventory proceeding and also the taking of samples and its photographs. It guarantees the genuineness of the contrabands that were produced before the Magistrate for the purpose of inventory proceedings. It stands supported by Exbt. P19 series of photographs, which contained the picture of the ganja packed from the spot, wrapped with cotton cloth tied with twine and affixed with the label and seal. Cumulative effect of these aspects makes me to record a positive finding that there is due compliance of the provisions of Section

52A of the NDPS Act, making the inventory proceedings to be taken as primary evidence in respect of the offence levelled against the accused persons in connection with the contrabands.

55. Continuing with the evidence of PW1, he deposed that, the residue ganja, after taking the samples were sent to AR Camp Kozhikode as per the proceedings of the District Court. He has proved it as Exhibit P24. He also has proved the receipt under which the residue ganja was received at AR Camp Kozhikode, as Ext. P25. Thereafter he prepared forwarding note for sending the samples to chemical lab. He has proved it as Exhibit P26. It contains his signature and the specimen impression of his personal seal. As per that forwarding note, samples that were given the marking P1 - S1 and P2 - S1 were sent for chemical analysis. The other two samples having the markings P1 – S2 and P2 – S2 were kept in the court as a reserve samples. He has proved the first among them as MO4 and the label found affixed in the sealed packing of it as Ext. P27. He also has proved the other sample, P2 - S2 as MO5. He proved the label affixed in the sealed packing of it as Ext. P28.

56. It is proved through Exbt. P26 forwarding note that the very same samples taken in the presence of the Magistrate were sent to chemical lab, as seen from the description of the samples given in it, which tallies with the description of the samples in Exbt. P20 sample list, except the fact that it is stated in English. The covering letter attached to that record state its date as 10.7.2018. It contains an endorsement of the Excise official taking the samples from the court for producing before the chemical lab. Exbt. P32 chemical analysis report, proved through the investigating officer PW6, would

state that the samples reached the chemical lab on 12.7.2018, which is the second day of the date in Ext. P26 forwarding note.

57. PW6 the investigating officer was asked about the two days, delay in taking the samples to the chemical lab and he stated that it was only on 11.7.2018, the samples were taken from the court to the chemical lab, as 10.7.2018 was a Sunday. But it is an incorrect statement as the 10th of July 2018, was not a Sunday, where as it was a Tuesday as per the calendar of 2018. However, it is seen from the passport issued to the Excise official to take the samples to the chemical lab, which is attached to Ext. P26 forwarding note, it is only on the afternoon of 10.7.2018 the Excise official was deputed to take the samples to the lab, making it a probability that the said official took that samples to the chemical lab at Ernakulam on the next day only, which is on 11.7.2018. So the delay in producing the samples before chemical lab is reduced by one day and I feel it is not a significant delay to doubt the genuineness of the samples, especially when Ext. P32 chemical analysis report contains statement that the samples received at the chemical lab were in an intact state, under proper packing and sealing. It guarantees the genuineness of the samples produced before the chemical lab for analysis. So I ignore the delay in producing the samples before the chemical lab for analysis. Law on the point is clear that delayed production of samples before the chemical lab by itself cannot be taken to suspect the genuineness of the samples, when it is produced before the lab an intact state. (**See. Hardip Singh v. State of Punjab (2008(8)SCC 577)**)

58. In this regard, it is seen that, Exbt. P32 certificate of the chemical lab categorically states that the samples sent for analysis tested ganja. First and second

accused have no explanation to these evidences, which makes no chance other than record a positive finding that the contraband that was seized from them is ganja.

59. With respect to the proceedings under Section 57 of the NDPS Act, PW1 deposed that, he prepared a report under that provision of law under his signature and sent to his immediate superior officer, the Assistant Excise Commissioner, Palakkad. It was received by him, as evidenced by his signature therein, he has proved it as Exhibit P29.

60. PW5, the immediate superior officer of PW1 fully endorsed the evidence of PW1 and deposed that he received Ext. P29 report under his signature and seal. He specified that he got the copies of the seizure mahazer and crime and occurrence report along with that report. He identified his signature in that record.

61. It is pointed out by the learned counsels for the first and second accused that, that said report lacks details with respect to the detection of the contraband and registration of the crime against the accused persons. But it is seen from Ext. P29 report that, along with that copies of seizure mahazer, crime and occurrence report and Form F were also given to the immediate superior officer of PW1. It necessarily gives complete information regarding the detection of the crime and the subsequent proceedings taken on it.

62. Ext. P6 report is challenged with the further contention that it does not state that two bags were seized from the accused persons and PW6, in the cross examination who admitted also. But it is stated in that report that 1.5 kilograms of ganja each were search out from the possession of the accused persons, making it to understand that Ext.

P29 report brings out a sense of two quantities of ganja, exactly in tune with the prosecution case. It makes the non-mentioning of two bags, from which those quantities of ganja seized insignificant. An overall analysis of Ext. P29 report can be taken to find with respect to the substantial compliance of the requirements of Section 57 of NDPS Act. It makes me to accept that report and to find in favour of the compliance of that requirement of law in this case.

63. All the above discussed evidence gives positive proof to the prosecution case that first and second accused possessed 1.5 kilograms each on the evening of 3.7.2018 at 5:00 PM by the side of the road in front of Mani's café, that situates near to the narrow gate in the eastern entrance of Palakkad Junction railway station. It necessarily attracts the presumption under section 54 of the NDPS. Act, which the first and second accused are unable to rebut.

64. The learned counsels for the first and second accused relay on a number of decisions to content against the case of the prosecution, which I would like to discuss here under. The first one is **Ranjan Kumar Chadha v. State of Himachal Pradesh (AIR SC 5164)**. It is with respect to the compliance of Section 50 of the NDPS Act. As found in the above discussion, it is found without any sort of doubt that PW1 had complied with all the formalities of that provision of law, which stands proved through his own evidence together with the evidence of PWs 4 and 5, together with Exts. P1 to P6 records. So I am of the considered view that that dictum does not anyway help the accused persons.

65. The next one is **(Murukan v. State of Kerala (2024 (Supreme) online KER 48116)**, which ruled on the necessity to have proof of a chain of custody of the

contraband and the integrity of the seized material. On considering the facts and evidence of this case, I feel that position of law does not arise for consideration, as there is nothing to find that there is breakage in the chain of custody of the contraband seized in this case from the time when it was seized from the possession of the first and second accused till it reached the chemical lab, as per Ext. P26 forwarding note. It is seen to be produced before the Magistrate on the date of the detection itself and thereafter on the next day after getting it returned from the Magistrate and remind the Magistrate court, from which samples were taken and sent through the process of court o the chemical lab. It positively establishes the link evidence, making no chance to apply the law play down in that ruling.

66. **Sivakumar v. Kerala State 2024 (Supreme) online KER 39918**), which ruled all the necessity to have due compliance of the provisions of Section 42 and 57 of NDPS Act. Here in this case the process of Section 42 does not apply as it was not based on any prior information or the belief of PW1 about the commission of the offence by the accused persons, search and seizure of the contraband from the possession of the accused persons. As far as the compliance of Section 57 of the Act is concerned, it is found to be complied with substantially. It makes me to believe that there is no scope for the application of that ruling in this case.

67. The next one is **Aravind Kumar v. Sandeep Mehta (2025 KHC Online 6704)**. It is with respect to the application of Section 29 of the Act. It is a case where two individuals were are found possessing to separate quantities of heroine, which together would make it commercial quantity and the trial court finding it to be joined act done by those individuals charge and tried them for the offence of commercial quantity. The

Honourable High Court would rule that, positive and tangible evidence was necessary to establish, beyond reasonable doubt, that both accused persons had prior knowledge of the contraband in the others possession and that separate quantities of the contraband from two individuals cannot be clubbed together so, as to make it an offence of commercial quantity.

68. On the facts of this case, that ruling also cannot apply because it is not a case where the separate quantities of ganja found with the first and second accused in 1.5 kilograms each were clubbed together to make it a commercial quantity and to try them for that offence. On the other hand, they are being tried for committing the offence of possessing intermediate quantity of ganja, which, with their possession of 1.5 kilograms of ganja each, would get attracted. Admittedly both accused persons were found together in the place of detection. Both of them are hailing from the same place, namely, Kodikulam Village in Thodupuzha Taluk, Idukki District. First and second accused has no explanation to those facts, that could arise a belief on the supposition of an ordinary prudent man that they were operating jointly in the matter of possessing the individual quantities of 1.5 kilograms ganja. It could be on the base of their prior meeting of mind on that possession, which could establish the element of conspiracy between them in the matter of possessing 1.5 kilograms each of ganja, while being together.

69. Here I would like to cite a dictum of the **Honourable High Court reported in Ismail and others V. State of Kerala (1991 KHC 21)**, which ruled on the proof of conspiracy in the matter of possessing the contraband. It reads, ***“proof required for conspiracy could be by way of inference from proved circumstances”***.

70. Basing on this principle of law, it can be found that all the proved circumstances in this case lead to the inference that accused persons jointly possessed 3.00 kilograms of ganja, with their individual possessing 1.5 kilograms each in the bags held by them, with sufficiently culpable mental state. It gives no chance other than find that they have conspired and brought the contraband with them, making them liable for the offence of conspiracy as well, along with the offence of possessing the contraband.

71. It is seen the learned counsels for the challenge at the very maintainability of this case projecting the fact that it is a case detected, investigated and prosecuted by the officials of Excise Enforcement and Anti Narcotic Special Squad, who, according to them do not have the power to investigate a narcotic case and to lay complaint, though they could detect such offences. They would cite the ruling reported in **Gangadharan v. State of Kerala (2023 KLT Online 2277)**, which rule this proposition.

72. On going through the judgement of the Honourable High Court, it is seen to be rendered under the Abkari Act, with specific reference to Section 4 of the said Act, which is the provision under which State Government notifies officers to exercise powers under the Abkari Act. However, under the NDPS Act the empowerment of Exercise officials is under Section 53 of the said Act, and an Excise Inspector is notified as empowered officer to detect offences under the said Act and to conduct investigation and to file complaint before the special court, giving them with the power of a station house officer. The impact of that empowerment of Excise Inspector is not considered in that judgement passed by the Honourable High Court. It is seen, even before and after the pronouncement of that dictum, Honourable High Court has considered and recognised the

power of the members of Excise Enforcement and Anti-Narcotic Special Squad to detect offences under NDPS Act and to investigate and file complaint before the special court.

73. **Shameer V. State of Kerala Crl. A. No. 250/2014 dated 7.2.2025** is one of such judgement passed by the Honourable High Court after the pronouncement of the dictum in the above cited **Gangadharan's case**. In that case the detection of the contraband made by the Excise Inspector of Excise Enforcement and Anti-Narcotic Special Squad, and it was investigated and complaint filed by the Circle Inspector of the very same wing. Honourable High Court accepted and acted upon it, by confirming the conviction passed by the trial court, but modified the sentence imposed on the accused therein.

74. Later on in **Hali Harison Vs. State of Kerala (2025 KER 46477)** Honourable High Court dealt with a complaint filed by an Excise Inspector attached to Excise Enforcement & Anti Narcotic Special Squad in reference to a notification and an explanatory note attached with it, in relation with the powers of an Excise officer of that wing, while considering a bail application. It is held that “ notification confers power upon an Excise Inspector of the zonal squads to exercise powers and performance duties specified under Section 42 as well as Section 67 of NDPS Act, throughout the state. There is nothing in the notification that limits the power of the Excise Inspector of conduct investigation. The explanatory note in the notification cannot control the power conferred by the notification. Even otherwise there is nothing in the notification to indicate that and Inspector of the zonal squad cannot conduct investigation merely because explanatory note mentions that, after detection of the offence, it will be handed

over to the local Excise Range Officers, is not a reason to conclude that Excise Inspector of the zonal squads cannot investigate the case”.

75. Here in this case, the very same situations in **Shameer’s case** and **Hali Harison’s case** is involved, as the detection of the contraband was made by PW1, who is the Excise Inspector of Excise Enforcement and Anti-Narcotic Special Squad and it is investigated and complaint filed by the Circle Inspector of the very same wing, PW6. It makes me to accept and act upon that complaint filed in this case.

76. Based on the above discussion, it is concluded that prosecution succeed in proving that first and second accused jointly possessed 3.00 kilograms of ganja, with each of them possessing 1.5 kilograms each in the bags head by them, while being together, by the side of the road in front of Mani’s café, that situates near to the narrow gate in the eastern entrance of Palakkad Junction railway station, on the evening of 3.5.2018 at 5 PM. It makes both of them liable to be convicted the offences under Section 20(b) (ii) B and 29 of NDPS Act.

77. **Point No. 2:-** In the result, first and second accused are found guilty for the offence under Section 20(b)(ii) B and 29 of NDPS Act and accordingly, they are convicted for that offences hereunder. Point is answered in favour of the prosecution.

Prepared in Google Docs voice typing app and corrected by me and pronounced in Open Court on this the 29th day of May 2026

Sd/-
Additional Sessions Judge-II

78. Now remains the question of sentence. Accused persons are heard on the question of sentence. First accused would plead that, he has aged parents and he desire to lead a good life. Second accused would plead that he has aged parents, whose health condition is worse. His brother is studying. He is the only person to meet their needs.

79. The learned counsels for the accused persons argued for showing leniency in sentencing the first and second accused, finding that they are the only person to look after their family. The learned Special Public Prosecutor would canvass for imposing the maximum punishment because of the heinous nature of the crime he has committed and the adverse impact that it would have on the society at large.

80. This is a case were accused persons jointly possessed 3.00 kilograms of ganja, with each of them possessing 1.5 kilograms each in the bags head by them, while being together, by the side of the road in front of Mani's cafe, that situates near to the narrow gate in the eastern entrance of Palakkad Junction Railway Station, on the evening of 3.5.2018 at 5.00 PM. Needless to say, it is a serious offence, the impact of which would be devastating, particularly upon youngsters, both college and school going students. It could crumble their bright features to the hilt, that would bring about the concomitant evil of shattering the hopes of their family members, particularly their parents who would repose great expectation on them as to be the protector of their families as a whole, in future. It cannot be said that the accused persons were not aware of this devastating impact of the offensive act they were doing. Still, they indulged in doing it. It exposes the determination with which they brought the contraband, unmindful of the dangerous effect of it in the society at the large.

81. Accordingly, I sentence the first accused to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹1,00,000/- (Rupees one lakh only) for the offence under Section 20(b) (ii) B of NDPS Act, in default of payment of fine and to undergo Rigorous Imprisonment for 6 months more. He is also sentenced to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹ 1,00,000/- (Rupees one lakh only) for the offence under Section 29 of NDPS Act, in default of payment of fine to undergo Rigorous Imprisonment for 6 months more. Both substantive sentences shall run concurrently.

82. I sentence the second accused to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹1,00,000/- (Rupees one lakh only) for the offence under Section 20(b) (ii) B of NDPS Act, in default of payment of fine and to undergo Rigorous Imprisonment for 6 months more. He is also sentenced to undergo Rigorous Imprisonment for 2 years and to pay an amount of ₹ 1,00,000/- (Rupees one lakh only) for the offence under Section 29 of NDPS Act, in default of payment of fine to undergo Rigorous Imprisonment for 6 months more. Both substantive sentences shall run concurrently.

83. Both accused persons are entitled to get set off under section 468 of BNSS.

84. MOs are ordered to be disposed off as per rules, after the expiration of the appeal period.

Prepared in google docs voice typing app, corrected by me and pronounced in Open Court on this the 29th day of May 2026.

Sd/-
Additional Sessions Judge-II

APPENDIXList of Prosecution/Defence/Court WitnessA. Prosecution Witness :-

Rank	Name	Date	Whether Eye witness, Police Witness, Excise Witness, Expert Witness, Medical Witness, Other Witness
PW1	Rakesh.M., Circle Inspector, Excise Enforcement & Anti Narcotic Special Squad, Palakkad.	21.11.2025	Excise Witness
PW2	Nazarudheen.C., Village Officer, Palakkad I Village.	22.11.2025	Expert Witness
PW3	Showkathali	01.12.2025	Other Witness
PW4	V.Rajeenesh, Excise Inspector, Excise Enforcement & Anti Narcotic Special Squad, Palakkad.	02.12.2025	Excise Witness
PW5	M.S. Vijayan, Assistant Excise Commissioner, Excise Enforcement & Anti Narcotic Special Squad, Palakkad.	01.01.2026	Excise Witness
PW6	B.Venugopalakurup, Assistant Excise Commissioner, Excise Enforcement & Anti Narcotic Special Squad, Palakkad.	16.01.2026	Excise Witness

B. Defence Witnesses :- NilC. Court Witness:- NilList of Prosecution/Defence/Court ExhibitsA. Prosecution Exhibits

Sl No.	Exhibit Number	Date	Description
1	Ext P1	03.05.2018	Body Search Notice of A1

2	Ext P2	03.05.2018	Body Search Notice of A2
3	Ext P3	03.05.2018	Body Search Report of A1
4	Ext P4	03.05.2018	Body Search Report of A2
5	Ext P5	03.05.2018	Search List of A1
7.	Ext P6	03.05.2018	Search List of A2
8.	Ext P7	03.05.2018	Arrest Memo of A1
9.	Ext P8	03.05.2018	Arrest Memo of A2
10.	Ext P9	03.05.2018	Mahazar
11.	Ext P10	--	Label on MO1 Series
12.	Ext P11	--	Label on MO2
13.	Ext P12	--	Label on MO3
14.	Ext P13	03.05.2018	Crime and Occurrence Report
15	Ext P14	03.05.2018	Arrest Intimation of A1
16.	Ext P15	03.05.2018	Arrest Intimation of A2
17.	Ext P16	03.05.2018	Remand Report
18.	Ext P17	03.05.2018	Property List
19.	Ext P18	03.05.2018	Inventory Report
20.	Ext P19	04.05.2018	Inventory List
21.	Ext P20	07.05.2018	Sample List
22.	Ext P21 Series	--	Photographs (Nos.4) & CD (No.1)
23.	Ext P22	07.05.2018	Inventory Certificate
24.	Ext P23	--	Specimen Seal & Signature
25.	Ext P24	14.05.2018	Proceedings of Sessions Judge, Palakkad
26.	Ext P25	15.05.2018	Godown Receipt
27.	Ext P26	03.05.2018	Forwarding Note
28.	Ext P27	--	Label on (P1 S2)
29.	Ext P28	--	Label on (P2 S2)
30.	Ext P29	03.05.2018	Section 57 Report
31.	Ext P30	05.11.2018	Scene Plan
32.	Ext P31	--	Scene Mahazar
33.	Ext P32	16.10.2019	Chemical Examination Report

B. Defence Exhibits :-

D1	08.10.2019	Relevant Portion of 161 Statement of PW3
D2	08.10.2019	Relevant Portion of 161 Statement of PW3

C. Court Exhibits :- Nil**D. Material Objects :-**

Sl No.	Material Objects	Description
1	MO1 Series	Plastic cover & Nylon Cover
2	MO2	Black Bag
3	MO3	Green Bag
4	MO4	Sample (P1S2)
5	MO5	Sample (P2S2)

Sd/-
Additional Sessions Judge- II

**Fair/Copy of Judgment in
S.C.No.990/2019
Dated:29.05.2026**