

MHGA010001052025 	Received on	07/02/2025
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	Duration	01 Y 03 M 00 D
	<u>Exhibit No. 34.</u>	

Spl. (NDPS) Case No. 10/2025

Form No. XXXII

Part 'A'

(Title Page of Judgment)

[Para 44(i) of Chapter VI of Criminal Manual]

		IN THE COURT OF AD-HOC DISTRICT JUDGE-1 & ADDITIONAL SESSIONS JUDGE, GADCHIROLI <i>Presided by : Vishwas S. Khot</i> Additional Sessions Judge
		Crime No. 116/2024, U/s. 8(c) & 27 of the NDPS Act Police Station : Gadchiroli, Tah. & Dist. Gadchiroli
COMPLAINANT		STATE OF MAHARASHTRA Through P. S.O. of Police Station Gadchiroli, Tah. & Dist. Gadchiroli
REPRESENTED BY		Learned A. P. P. Shri S.U. Kumbhare
ACCUSED	01	Ruchit Pitambar Chaple Age - 24 Yrs., Occu. Education, R/o. Darshani Chak, Post -Navegaon, Tah. & Dist. Dist. Gadchiroli
REPRESENTED BY		Learned Counsel Shri P.C. Samaddar for accused.

Part 'B'

[Para 44 (ii) of Chapter VI of Criminal Manual]

Date of Offence	18.02.2024
Date of FIR	19.02.2024
Date of Chargesheet	29.12.2024
Date of Framing of Charges	20.03.2026
Date of commencement of evidence	13.04.2026
Date on which judgment is reserved	
Date of the Judgment	07.05.2026
Date of the Sentencing Order, if any	N.A.

Accused Details

Ran k of the Acc used	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Wheth er acquitt ed or convict ed	Sente nce Impos ed	Period of Detention Undergon e during Trial for purpose of Section 428, Cr.PC.
1	Ruchit Pitambar Chaple	19-02- 2024	6.03.202 5	Sec. 8(c) & 27 of the N.D.P.S. Act	acquitt ed	N.A.	N.A.

Part ' C '

[Para 44 (iii) of Chapter VI of Criminal Manual]

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL
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		WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Mukesh Murlidhar Rohankar	Panch witness
PW2	Dhananjay Devidas Choudhary	Police Staff
PW3	Balaji Ganesh Sonune	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	---Nil---	

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	---Nil---	

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exhibit P-14/PW1	Panchanama
2	Exhibit P-16/PW2	Instruction letter
3	Exhibit P-17/PW2	Letter for medical examination of accused
4	Exhibit P-18/PW2	Complaint
5	Exhibit P-19/PW2	Printed FIR
6	Exhibit P-20/PW2	Letter issued to laboratory for blood samples

7	Exhibit P-21/PW2	Receipt of deposit CA of samples
8	Exhibit P-23/PW3	Letter to CA for examination of muddemal
9	Exhibit P-24/PW3	CA form
10	Exhibit P-25/PW3	Receipt of deposit of muddemal

B. Defence :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

D. Material Objects :

Sr. No.	Material Object Number	Description
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JUDGMENT

(Delivered on this 07th day of May, 2026)

1] The accused stands charge-sheeted by the Police Station Officer, Gadchiroli for the offences punishable under Section 8(c) and 27 of the NDPS Act, 1985.

2] The prosecution case can be stated as under :-

The incident took place on 05.10.2024 at Gadchiroli. The reporter by name Tushak Ashok Khobragadde filed the report of this incident to Police Station, Gadchiroli. On 05.10.2024 he filed the report contending therein that he was

acting at Gadchiroli Police Station on 18.02.2024. One secret informer informed to him that some persons were consuming ganja. On getting the knowledge about the incident, he went to the spot of incident alongwith PSI Nandkumar Shimbre, Police Constable Dhananjay Choudhary and Avinash Lanje and others. Police staff observed that some persons were smoking bidi there. Police by giving their identity to those persons disclosed the reason of their arrival. Some persons fled from there, but one person came to be nabbed who stated his name as Ruchit Pitambar Chaple, R/o. Darshani Chak, Tah. & Dist. Gadchiroli. His mouth was smelling ganja. He was personally searched and police found one match box in his shirt pocket. He was having one bidi in his hand which was half burnt. The said bidi and match box were seized. Police constable filed the written complaint at the police station.

3] The police after receiving the information and report started investigation. The police drew spot panchanama in presence of panchas. Police seized bidi and match box before the panchas and executed panchanama. The police arrested the said person and arrayed him as an accused. The police sent the bidi and other articles for CA sampling. The police received the C.A. report from the concerned laboratory. The accused came to be sent to medical examination wherein the doctor reported that he was under the influence of ganja and consumed the same. The police did the further investigation and presented the chargesheet before the Court.

4] After filing of the charge-sheet, the accused appeared before the Court. The accused came to be charged under Sections 8(c) and 27 of the NDPS Act, 1985. The accused pleaded not guilty and claimed trial. The prosecution examined in all three witnesses to substantiate the charge against the accused and relied the following documents i.e.

Panchanama	- Exh.14
Instruction letter	- Exh.16
Letter to medical officer	- Exh.17
Complaint	- Exh. 18
Printed FIR	- Exh.19
Letter to CA	- Exh.20
Receipt	- Exh.21
Letter to CA	- Exh.23
CA form	- Exh.24
Receipt	- Exh.25

The accused came to be examined under Section 351 of the B.N.S.S. in view of incriminatory evidence against him. The accused did not examine anybody or himself in support of his defence. He has not filed any documentary evidence. The case came to be concluded with the argument of both sides.

5] In view of rival submissions of the prosecution and accused, following points arose for my determination and I have recorded my findings subject to the reasons as mentioned hereinafter.

No.	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proves that on 18.02.2024 at about 22.30 to 23.30 hours in open place of Vivekanand Nagar, Gadchiroli, Tah. & Dist. Gadchiroli the accused was found in unlawful possession of narcotic drug i.e. half burnt bidi containing ganja which is of a small quantity, without any valid license and thereby committed an offence punishable under Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ?	..No..
2.	Whether the prosecution proves that on the aforesaid date, time and place the accused consumed narcotic drug, namely, half burnt bidi containing ganja which has been specified in this behalf by the Central Government by notification in the official gazette and thereby committed an offence punishable under Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ?	..No..
3.	What order ?	... Accused is acquitted

REASONS

As to Point Nos. 1 to 3 :-

6] This case was/is instituted by the prosecution/State, therefore, naturally the burden of proof lies upon the prosecution and in order to discharge the burden, the prosecution has examined three witnesses. PW.1 Mukesh

Murlidhar Rohankar deposed vide Exh.13 to the extent that he knows the accused. He went to spot of incident with police and panchas. He went behind the college area which was a forest occupied area. One person was present there having chilim in his hand. He disclosed his name. He was searched and found with match box in pocket of his shirt. He was having chilim in his hand and there was ganja in the chilim. The chilim was smelling like ganja. Police drew panchanama and seized the chilim. P.W.2 is police officer who deposed that he was attached to Gadchiroli Police Station as Police Naik. He received information that some persons were consuming ganja chilim in Vivekanand Nagar. He disclosed the information to superiors. The police reached to the spot of incident and PSI Shimbre was his superior. The persons present on the spot ran away and one person was caught. His search was taken and one half burnt bidi came to be seized from him alongwith one match box. The said person disclosed that he came there to consume ganja. The said person was taken into custody. He disclosed his name as Sumit Chaple. His mouth was smelling ganja. The chilim and match box were seized and taken into possession vide Exh.14. Panchanama was prepared. The arrestee was sent to medical examination. He filed the complaint to the police station. The Investigating Officer sent blood samples to Nagpur C.A. Laboratory. C.A. samples were deposited as per receipt vide Exh.21. P.W.3 deposed that he investigated the Crime No.116/2024. He sent seized articles for C.A. examination. He issued letter to C.A.

7] The witnesses came to be cross-examined by other

side. PW.1 admitted that there is no writing in panchanama that one person was present in the forest with chilim and chilim was containing ganja. It is also not written in the panchanama that police snatched chilim from the accused and asked to him to take smell and it was smelling like ganja. Police did not seize the chilim. The bidi is made up of Tembhurni leave. Chilim is made up of porcelain/ceramic material. He acted as panch in 10 to 15 cases. PW.2 admitted that there was a difference between bidi and chilim. Bidi is made up of tendu leave while chilim is made up of porcelain. There is mentioned of chilim in panchanama. There is necessity to seize the chilim if panchanama mentions it. There is no mentioned of chilim in oral report. There is no mentioned of depositing the chilim in malkhana. There is no mentioned of length, width, diameter of the bidi in panchanama. PW.3 was subjected to cross-examination, but there is no material admission or contradiction in the cross-examination.

8] The perusal of the case papers, record of the case show that the prosecution has not examined any independent witness. The panch is not an independent witness, because he acted as a panch in 10 to 15 cases. The testimony of such witness hardly carries any value. The non-examination of material witnesses hamper/injure the prosecution case to some extent.

9] The prosecution case is dubious as regards to the seizure. In the prosecution case it is mentioned that the accused was consuming bidi. The perusal of evidence of PW.1

shows that the accused was having chilim in his hand. P.W.2 disclosed that accused was having bidi whereas P.W.1 disclosed that accused was having chilim in his hand. There is no mentioned of seizure of chilim in the panchanama. The chilim and bidi were mentioned by the prosecution witnesses in the case during evidence, but there is no seizure of chilim in this case. This fact goes against the prosecution case.

10] The prosecution has filed C.A. report in this case. The C.A. report shows that one plastic pipe, 4 bidis and one match box were sent for examination. In case in hand there is seizure of only one bidi. The prosecution witness also depicted that the accused was having bidi in his hand. The witnesses/facts of the case speak about one bidi, but C.A. report shows that four bidis were sent for examination. The oral evidence and C.A. report are contra to each other. The blood report shows that there was no cannabis in the blood of the accused. The C.A. report is positive in respect of plastic pipe, but there is no seizure of any plastic pipe from the accused. The C.A. report is not useful for the prosecution. In this case the doctor is not examined. There is no material on record which shows presence of cannabis in the blood of accused. The prosecution failed to prove the fact that the accused consumed ganja and the seized bidi was containing it.

11] In this case there is no independent witness supporting the prosecution case. The C.A. report is in favour of the accused. There is no evidence on record showing it that the

accused consumed ganja. The seizure is doubtful. There is no seizure of chilim from the accused. Likewise there is no mentioned of seizure of plastic pipe. The police failed to observe the mandate of Section 50 of the N.D.P.S. Act, 1985 while conducting search. The prosecution case is full of irregularities/lacunas. The prosecution failed to prove the ingredients of the offence. The accused is entitled to be acquitted. In view of abovesaid discussion, my answer to point nos. 1 and 2 are in negative and finally, I am inclined to pass following order resulting in acquittal of the accused.

ORDER

1. The accused by name **Ruchit Pitambar Chaple** is hereby acquitted, vide Section 258(1) of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the offence punishable under Sections 8(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The bail bonds of the accused stands cancelled.
3. The accused has already furnished the bail of Rs.50,000/- under Section 437-A of Cr.PC./485 of the B.N.S.S., 2023, which shall remain in force for 6 months.
4. The seized material i.e. bidi, match box and blood samples be destroyed after appeal period is over.
5. The proceedings stand closed.

Sd/-

Gadchiroli
7th May, 2026

(Vishwas S. Khot)
Ad-Hoc District Judge-1 and
Additional Sessions Judge,
Gadchiroli.