

The Court of Additional District and Sessions Judge/ Presiding Officer Special Court for E.C. and NDPS Act Cases, Pudukkottai.

Present: Thiru. T. Panneerselvam, M.BA.,M.L.,
Additional District and Sessions Judge / Presiding Officer, Special Court for E.C. and
NDPS Act Cases, Pudukkottai.

Tiruvalluvar Aandu 2057 Parapava Varudam Aadi Thingal 28th day

Thursday the 13th day of August' 2026

Calender Case No. 82/2026

CNR No.TNPD01-000634-2026

1.	Serial Number	-
2.	Name of the Police Station and the crime number of the offence	PEW Perambalur P.S. in Cr.No.39/2017 u/s 8(c) r/w 20(b)(ii) (B) ,25 of NDPS Act 1985
	Description of the accused	
3.	Name	Siva
4.	Father's Name /Husband Name	Viswanathan
5.	Occupation	Coolie
6.	Residence	Thirunagar, Perambalur, Now at Vadakku Colony Back side of the Samy Theotre, Aranarai, Perambalur.
7.	Age	30/2025
	Date of	
8.	Occurrence	10.11.2025
	Complaint	10.11.2025
10.	Apprehension	10.11.2025
11.	Release on bail	01.12.2025
12.	Commitment	-----
13.	Commencement of Trial	23.07.2026
14.	Closure of trial	10.08.2026
15.	Sentence or order	13.08.2026
16.	Service of copy of Judgment or	13.08.2026

	finding on accused.									
17.	Explanation of delay	---								
18.	Miscellaneous petitions and their results including the results on challenge before superior Courts, except routine petitions like petitions under section 317of the Code:	---								
19.	Examination in Chief and cross-examination of a witness:	<table><tr><td>Chief</td><td>Cross</td></tr><tr><td>PW1 23.07.2026 -- 23.07.2026</td><td></td></tr><tr><td>PW2 05.08.2026 -- 05.08.2026</td><td></td></tr><tr><td>PW3 06.08.2026 -- 06.08.2026</td><td></td></tr></table>	Chief	Cross	PW1 23.07.2026 -- 23.07.2026		PW2 05.08.2026 -- 05.08.2026		PW3 06.08.2026 -- 06.08.2026	
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PW2 05.08.2026 -- 05.08.2026										
PW3 06.08.2026 -- 06.08.2026										
20.	Examination of the Accused u/s 313 of the Code.	10.08.2026								
21.	Abscondence of an accused an his appearance/production:	---								
22.	Victim Compensation Order:	-----								
23.	The Period of remand of the Accused	10.11.2025 -- 01.12.2025								
24.	Grant of stay by superior Courts and the results thereof; and	---								
25.	Date of filing of the complaint/Final report in the Court	19.12.2025								

This case coming on 10.08.2026 for final hearing before me in the presence of Thiru. R. Ganesh Rajan., B.Com., B.L., Counsel for the Special Public Prosecutor for the State and of Thiru. C. Kannan, M.A., B.L., Counsel for the Accused upon hearing argument of the Learned Special Public Prosecutor, the Learned Counsel for the Accused and having stood over for consideration till this date this court delivers the following :

JUDGMENT

The case of the prosecution is that the accused was keeping possession of two wheeler 1.200 Kilogram of Ganja on 10.11.2025 at near Perambalur Elambalur Road

uppodai and thereby the accused has committed an offence under section 8(c) r/w 20(b)(ii)(B) ,25NDPS Act 1985.

2. On appearance of accused before this court, copies of all the material documents relied on by the Prosecution were furnished to the accused as contemplated u/s.207 Cr.P.C.

3. This court, after giving sufficient opportunity to the accused and upon considering materials available on records and upon hearing both sides, having found that there was ground for presuming that the accused has committed the alleged offences, the following charges were framed against the Accused u/s 8(c) r/w 20(b) (ii)(B) ,25 of NDPS Act 1985 and he was read over and explained to him, he denied the charge, pleaded not guilty and he claimed to be tried.

4. In order to prove the guilt of the accused , PW1 to PW3 were examined and Exhibits P1 to P11 were marked on the side of the prosecution and on Defence side no oral and documentary evidence let in.

5.The Evidence of the prosecution side witnesses in brief is as follows:-

(i) The evidence of Chief Examination of PW1 Thiru. Matheswaran, Head Constable seizure Mahazar witness to the incident in brief is as follows:-

(i) PW1 Thiru. Matheswaran, Head Constable who accompanied the seizing officer Tmt. Hemalatha, Inspector of Police in the alleged raid took place on 10.11.2025 and at about 12.00 p.m., he along with Inspector of Police went to Elambaloor Road , Uppuvodai and nearby accused Siva was standing and captured him and made a search and the Inspector of Police by consent letter for search conducted search on accused and found contraband in white colour bag of accused.

The weight of the Ganja was measured as 1.200 Kg and Sample for Forensic Investigation was taken and said contraband recovered from Accused by prepared a recovery Mahazar Ex.P1 and brought the accused alongwith case property to the police station and registered this case.PW1 was duly cross-examined by the accused side.

(ii) The evidence of Chief Examination of PW2 Thiru.Manikandan, Sub-Inspector of Police, eye- witness to the incident in brief is as follows:-

PW2 Thiru. Manikandan, Sub-Inspector of police, eye witness in his chief examination was corroborated the evidence of PW1, Head Constable Thiru. Matheswaran . PW2 in his chief examination has further spoken that they informed to the accused Siva about his right being taken to the Judicial Magistrate or gazetted Officer. But, accused Siva told them that he has no objection to search him by the Inspector of Police , Tmt. Hemalatha. When they searching accused Siva, the white colour cloth bag was secured from accused found that 1.200 Kg Ganja . The seizure mazahar was prepared by PW3 in the presence of him and PW1 Head Constable Thiru. Matheeswaran and he witnessed the arrest of the accused and recovery mahazar. He helped the PW3 to register the FIR against the accused. PW2 was duly cross-examined by the accused side.

(iii) The evidence of Chief Examination of PW3 Tmt. Hemalatha, Inspector of Police , Investigation Officer in brief is as follows:-

PW3 Tmt. Hemalatha, Inspector of Police, in her chief-examination has spoken that the alleged search was conducted by her and on 10.11.2025 that she got information of Ganja selling at Elambaloor Road , Uppuvodai and she informed the message to her superior and written in General Diary and with the help of Sub-Inspector Manikandan, Police Thiru. Alaguvel, Head Constable Thiru. Matheeswaran

went to Elambaloour Road , Uppuvodai and at about 12.00 p.m., they found one person namely siva with one white colour bag and they captured the said Siva and accused Siva was informed about his right being taken to the Judicial Magistrate or gazetted Officer. But, accused Siva told them that he has no objection to search him by the Inspector of Police , Tmt. Hemalatha. When they searching accused Siva, the white colour cloth bag was secured from accused found that 1.200 Kg of Ganja . The seizure mazahar was prepared by PW3 in the presence of PW1 and PW2 and she arrested the said Siva by informing the reason for arrest of the accused and recovery mahazar was marked as Ex.P1 and she registered the FIR against the accused in Cr.No.144/2025 u/s 8(c) r/w 20(b)(ii)(B) ,25 of NDPS Act 1985 and PW3 took investigation in this case and recorded the 161(3) of Cr.P.C. statements of Sub-Inspector of Police Manikandan, Police Alaguvel, Head Constable Matheewaran and filed the Form'95 before this court and on 05.01.2026 taken steps to send the Contraband Sample to the Trichy RFSL and obtained Analysis Report and marked as Ex.P11 and Search consent letter was marked as Ex.P5 and FIR was marked as Ex.P6 and laid the charge sheet in this case and PW3 was duly cross examined by the accused side.

6. After the completion of the examination of the witnesses, the incriminating materials found in the evidence of the Witnesses were put to the accused and he was questioned under section 351 of BNSS in that regard. The Accused has denied it and claimed to be false.

7. The Learned Special Public Prosecutor has argued that the witnesses PW1 to PW3 have spoken about the occurrence, raid, seizure of Ganja on 10.11.2025 in further PW1 and PW2 have spoken about the confession statement given by the accused Siva. The PW1 has deposed that he went to seen of occurrence along with Inspector of Police Tmt. Hemalatha has made raid in this case and as per the evidence of PW1 and PW2 it was clearly shown that the contraband and Bike were

recovered from the accused Siva in this case and therefore accused may be convicted for the offence u/s 8(c)r/w 20(b)(ii)(B) ,25 of NDPS Act 1985 and he is charged with.

8. The Argument of the Learned Counsels for the Accused is as follows:-

(a) the PW3 Inspector of Police has not followed the mandatory provision of section 42(2) of the NDPS Act.

(b) in samples taken were mentioned with Cr. No.144/2025 along with case sections which are free determined in nature and prejudiced.

(c) the section 57 of NDPS Act Report is not followed in this case .

(d) the application u/s 52(A) for drawing of sample was made after inordinate delay and not complied the statutory provisions in this case.

(e) No specific evidence regarding who wrote the documents in this alleged search.

(f) The PW1 to PW3 were created the documents in the police station itself and foisted the false case against the accused and accused is an innocent.

9. The Points for determination are,

(a) Whether the Police officials have followed the mandatory provisions contained under the NDPS Act ?

(b) Whether the guilt of the accused has been proved beyond a reasonable doubt ?
and

(c) If so, what punishment the accused is liable to ?

10. According to the prosecution case, the accused in the present case was carried the 1.200 Kg of Ganja in white color cloth Bag at 12.00p.m., on 10.11.2025 at near Perambalur Elambaloor Road uppuoodai with and thereby the accused has committed an offence under section 8(c) r/w 20(b)(ii)(B) ,25NDPS Act 1985.

11. The alleged place of occurrence and seizure is a public place. If seizure having been effected in a public place, section 42 of the NDPS Act is applicable. Section 42 of the NDPS Act would apply to the present case.

12. As far as this case concerned, PW1 in his Cross-examination stated that ,

எதிரியை எவ்வளவு தூரம் விரட்டி சென்று எதிரியை எந்த இடத்தில் வைத்து பிடித்தோம் என்ற விவரத்தினை சொல்லவில்லை என்றால் சரிதான் சோதனை சம்மத கடிதம் அத்தாட்சி கைது நமூனா ஆகியவை அச்சிடப்பட்ட படிவம் என்றால் கையால் எழுதப்பட்ட படிவம் ஆகும். மேற்படி ஆவணங்களை நான் எழுதவில்லை என்றால் சரிதான் அழகுவேல் என்பவர் எழுதினார். கைப்பற்றுதல் மகசூரில் குற்ற எண் மற்றும் சட்டப்பிரிவுகள் சொல்லப்பட்டுள்ளதா என்றால் சொல்லப்பட்டுள்ளது. நாங்கள் நீதிமன்றத்தில் தாக்கல் செய்துள்ள 1 முதல் 3 ஆவணங்கள் அச்சிடப்பட்ட படிவத்தில் தாக்கல் செய்யப்பட்டுள்ளது என்றால் சரிதான் சோதனை சம்மத கடிதத்தில் அழகுவேல் சாட்சியாக கையொப்பம் செய்யவில்லை என்றால் சரிதான் எனக்கு ஆய்வாளருக்கு வந்த ரகசிய தகவல் பற்றி தனக்கு நேரடியாக தெரியாது என்றால் சரிதான் ஆவணங்களில் தனிநபர் சாட்சிகள் குறித்த விவரங்கள் சொல்லப்படவில்லை என்றால் சரிதான்

So, there is a source of information was received by the Seizing Officer one Tmt. Hemalatha, Inspector of Police and the said information was filed in this case as Ex.P4 and in order to prove the occurrence and search, the searching Officer namely one Tmt. Hemalatha, Inspector of Police is examined as a witness in this case and based on the Ex.P4 prior information letter that she has complied the provision of section 42(1) of NDPS Act 1985.

a) In the present case is concerned, the PW3 Tmt. Hemalatha, Inspector of Police has admitted in her cross-examination that she had not submitted General Diary recorded about the information which was entered in the General diary of the

police station .

13. As far as the compliance of section 50 of the NDPS Act is concerned, the Section 50 of the NDPS Act speaks as follows:

Conditions under which search of persons shall be conducted

(i) *When any officer duly authorised under section 42 is about to search any person under the provisions of section 41, section 42 or section 43 , he shall if such person so requires , take such person without unnecessary delay to the nearest Gazetted officer of any of the Departments mentioned in section 42 or to the nearest Magistrate.*

(ii) By perusal of case records, the Exh P5 Consent Letter for search, it shows that the Inspector of Police namely one Tmt. Hemalatha, Inspector of Police has informed the accused that it is stated in Ex.P5 Consent Letter as follows:-

"இன்று 10.11.2025-ம் தேதி 12.40 மணிக்கு இதன் மாஜிஸ்திரேட்டில் கண்ட என்னை பெரம்பலூர் மதுவிலக்கு அமுலாக்கப்பிரிவு காவல் ஆய்வாளர் ஆகிய தாங்கள் என்னிடம் தடை செய்யப்பட்ட போதை பொருளாகிய கஞ்சா மறைத்து வைத்திருப்பதாக தகவல் உள்ளது. எனவே உம்மையும் உமது உடைமைகளையும் சோதனை செய்ய வேண்டும் . அவ்வாறு சோதனை செய்யும் முன்பு நீங்கள் விரும்பினால் அருகிலுள்ள நீதித்துறை நடுவர் அல்லது அரசு சான்றிதழ் பெற்ற அதிகாரியின் முன்னிலையிலோ வைத்து சோதனை செய்யுமாறு கேட்க உரிமை உண்டு என்று கூற அவ்வாறு தேவையில்லை. காவல் ஆய்வாளரான தாங்களே சோதனை செய்யுங்கள் என்று சம்மதம் தெரிவித்து முழு சம்மதத்தின் பேரில்

கையொப்பமிடுகிறேன்".

Hence, it is clearly shown that the Inspector of Police Tmt. Hemalatha, has duly followed the provision of section 50 of NDPS Act and in the Ex.P5 , Consent letter no witnesses were signed and PW1 and PW2 in their evidences stated about the consent letter , Ex.P5 is found as a conclusive one for personal search of the accused . Because in Ex.P5 consent letter she had an option to be searched before a Gazetted Officer. So, it amounts to proof for sufficient compliance.

(iii) As per Exh P1 Atthatchi, the alleged Ganja in the white colour cloth bag had by the accused was recovered. Recently the Hon'ble Supreme Court in the case of Ranjan Kumar Chadha Vs State of Himachal Pradesh 2023 Live Law (SC) 856 has observed and held that Section 50 of the NDPS Act was not required to be complied with if the recovery from the bag. Further the Hon'ble Supreme Court in the case of Ajmer Singh V. State of Haryana, reported in (AIR 2010 SC (Supp) 582) has observed and held that the provision of Section 50 of the NDPS Act are applicable only in the case of personal search of the accused and the same are not applicable when the contraband is recovered either from the briefcase or bag or vehicle.

(iv) Since the Ganja was recovered from the Bag, therefore , the provision of section 50 NDPS was not required to be complied with. But as far as the compliance of the section 52(A) of the NDPS Act is concerned, however with the cogent evidences of PW1 to PW3 that in the alleged search under section 50 of NDPS Act 1985 was duly complied by the PW3 Inspector of Police Tmt. Hemalatha.

15. (i) The contention of the learned counsel for the accused side is that the samples had not drawn in the presence of Judicial Magistrate, so the Inspector of Police Tmt. Hemalatha has not complied the mandatory procedure enumerated in section 52(A) of the NDPS Act. This court is required to considered the above said

contention of the learned counsel for the accused. The procedure suggested in the notification No.1/89 of Govt. of India and standing order No.1/88 of Narcotics Control Bureau should be followed about the sampling. But in the wake of the Mohanlal judgment, it should be read with strict regard to Section 52A of the Act and the seized articles should be produced before the designated Judicial Magistrate as early as possible following the seizure of drugs, etc for necessary certification and sampling. The Hon'ble Supreme Court delivered the judgment of case of Union of India Vs Mohanlal and on 10.11.2025. In this case, the samples were drawn on 10.11.2025 before the Judicial Magistrate, Perambalur.

(ii) In this case, the Inspector of Police Tmt. Hemalatha has stated in Ex.P1 Attatchi and samples were drawn in the presence of the Judicial Magistrate. The Hon'ble Supreme Court Mohammed Khalid and another Vs the State of Telangana in Criminal Appeal No(S). 1610 Of 2023 dated 01.03.2024, held that Since no proceedings were undertaken for preparing of inventory and drawings of samples as per Section 52-A of NDPS Act, thus, the FSL was considered to be waste. The Hon'ble Supreme Court of India in the case of Yusuf @ Asif Vs The State - 2023 INSC 912 Non-Reportable has held that Samples not drawn before Magistrate, the case is vitiated. In the case of Simarnjit Singh v. State of Punjab, the Hon'ble Supreme Court of India has ruled that convictions under the Narcotic Drugs and Psychotropic Substances (NDPS) Act will be liable to be set aside if the samples were not drawn in the presence of a Magistrate, as mandated by Section 52A of the Act. Recently in the case of NARCOTICS CONTROL BUREAU v KASHIF., SLP(Crl) No. 12120/2024 the Hon'ble Supreme Court reserved Judgment regarding Should Sample Be Drawn On Spot Or In Magistrate's Presence as Per Sec. 52A.

(iii) Further Recently the Hon'ble Madras High Court in the case of Mareeswaran vs The State Of Tamil Nadu on 3 October, 2023 has held that section 52(A) was properly proved because of the following reasons

..... It is not unusual on the part of the learned counsel for appellants to rely the

recent decisions of the Hon'ble Supreme Court to suit their convenience without pointing any decision on law and also without pointing any factual foundation of the grounds of acquittal rendered by the following judgments of the Hon'ble Supreme Court. (i) 2023 Live Law (SC) 570 in the case of Simarnjit Singh Vs. State of Punjab, (ii) 2023 Live Law (SC) 549 in the case of Mangilal Vs. The state of Madhya Pradesh, 10.2. In the relied judgments of Hon'ble Supreme Court, it is found that the recovered contraband was not produced. Therefore, the Hon'ble Supreme Court acquitted the appellant considering other remaining circumstances also. In this case, the recovery was properly proved.

- a) In this case, contraband was produced before the Magistrate during the remand initially, thereafter, it was produced before the Special Court for forwarding the sample to the scientific officer for chemical examination.
- b) The scientific officer confirms the receipt of the samples from the Court with seals intact.
- c) The report also confirmed the presence of the “cannabis” in the samples
- d) the remaining contraband was produced during the trial and marked as physical evidence. The same was identified and confirmed by witnesses
- e) Thus, taking of sample in the occurrence place, production of the remaining contraband along with samples before the Court at the time of the remand and producing the same before the trial Court, during the trial and marking as material objects leaves no room for suspicion. Thus, guidelines of Standing Order 1/89 has been followed in this case. When there is no plea of destruction or disposal, the question of compliance Section 52(A) of the NDPS Act does not arise.

16. Viewing the present case, based on the above said judgment of the Hon'ble Madras High Court passed in **Mareeswaran vs The State Of Tamil Nadu** on 3 October, 2023, the recovery is properly proved because of the following reasons

- a) In this case, contraband was produced before the Magistrate during the remand initially, thereafter, it was produced before the Judicial Magistrate Court on the same date of recovery on 10.11.2025 for forwarding the sample to the scientific officer for chemical examination.
- b) The scientific officer in Ex.P11 confirms the receipt of the samples from the Court with seals intact.
- c) The report Ex.PI1 is also confirmed the presence of the “cannabis” in the samples
- d) the remaining contraband was not produced during the trial but based on the production of Photos showing the bag with seal and signature of the witnesses containing the remaining Ganja, samples Ganja, and same was marked.
- e) Thus, taking of sample in the occurrence place, production of the remaining contraband along with samples before the Court at the time of the remand leaves no room for suspicion. Thus, guidelines of Standing Order 1/89 has been followed in this case.

17. So Viewing the present case based on the above said judgment of the Hon'ble Madras High Court passed in **Mareeswaran vs The State Of Tamil Nadu** on 3 October, 2023 ,When there is no plea of destruction or disposal, the question of compliance Section 52(A) of the NDPS Act does not arise.

(i) Recently the Hon'ble Madras High Court in the case of *Sadiq Basha vs State State by The Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai – 600 090* by on 29 July, 2022 has observed that

- a) Section 52A is for the purpose of disposal of seized Narcotic drugs and psychotropic substances
- b) Standing Order No.1/88 (instructions 1.5) and Standing Order No.1/89, 1/88 is the instructions for drawal of sample, storage, testing and disposal of samples from

seized narcotic drugs and psychotropic substances. As per 1/88 of NDPS Rules it is stated that the samples of contraband must be drawn on the spot of recovery.

(ii) Viewing the present case based on the above said judgment of the Hon'ble Madras High Court passed in Sadiq Basha vs State by The Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai , admittedly in the present case, by perusal of Athatchi Exh P1 it shows that samples taken at the spot. As per 1/88 of NDPS Rules it is stated that the samples of contraband must be drawn on the spot of recovery. In this case, it is done as could be seen from Ex.P1 Atthatchi.

(iii) In this context, this Court has also relied the following judgment of the Bombay High Court Mukesh Rajaram Chaudhari vs The State Of Maharashtra on 27 September, 2023 <https://indiankanoon.org/doc/70679800/> wherein the Hon'ble Bombay High Court is observed that *if the process of taking samples may not be in the presence of the Magistrate, but is shown to be properly followed with the aid of the support of the panch witnesses which the court finds believable and reliable, I do not see how the prosecution case would be destroyed totally. "*

(iv) Viewing the present case based on the above said Judgment of the Hon'ble Bombay High Court passed in Mukesh Rajaram Chaudhari vs The State Of Maharashtra, it is made clear that if the process of taking samples may not be in the presence of the Magistrate but is shown to be properly followed with the aid of the support of the seizure Mahazar witnesses which the court finds believable and reliable, the same can be taken into consideration. Accordingly this Court is required to be considered the evidence of the Seizure Mahazar witnesses. PW1 Head Constable Matheeswaran, and PW2 Sub-Inspector of Police Thiru. Manikandan had witnessed the alleged seizure Mahazar proceedings. The Head Constable PW1 Matheeswaran , was examined as PW1 Sub-Inspector of Police thiru. Manikandan was examined. The PW1and PW2 were spoken about the Ex.P1 Seizure Mahazar.

The Exh P1 Seizure Mahazar contained the signature of accused.

(v) Viewing the present case based on the above said Judgment, there is no discrepancy in the evidence that in the FIR and statements recorded u/s 161(3) of CrPC, the Inspector of Police Tmt. Hemalatha has stated that while she was in duty, she received the secret information whereas the PW1 Head Constable Thiru. Matheeswharan in his evidence has spoken that the Inspector of Police has received the secret information while she was at duty in Police station. There is no discrepancy in the above matter. Since the signature of the accused in the Exh P1 Seizure Mahazar, it shows that all the seizure Mahazar proceedings were held in the presence of the accused. Therefore the accused cannot be said that the samples were not taken from the seized Ganja.

(vi) Admittedly in the present case, by perusal of Athatchi Exh P1 it shows that samples taken at the spot in the presence of Police witnesses viz., PW1 and PW2. In this case, it is done as could be seen from Ex.P1. Thus the Inspector of Police has complied the provision of section 52(A) of the NDPS Act.

18. As far as the compliance of Section 55 of the NDPS Act is concerned, the Section 55 of the NDPS Act speaks about Police to take charge of articles seized and delivered.

(i) By perusal of the Form 95, it appears that on 10.11.2025, the Inspector of Police has produced the seized Ganja along with Form-95 and the Learned Judicial Magistrate returned the Form 95 by stating

“ Property to be produced next working day. Hence returned ” .

(ii) But, on 10.11.2025 itself based on the Form 4, Form5, and Form6 it is found that the samples was taken before the Magistrate on 10.11.2025 itself and no delay was happened for forwarding the contraband samples to the RFSL Trichy.

Therefore no delay was occurred in sending the contraband sample to the RFSL Lab, Trichy. Therefore, the PW3 Tmt. Hemalatha, Inspector of Police had complied the section 55 of the NDPS Act.

19. As far as the compliance of section 57 of the NDPS Act is concerned, the Section 57 of the NDPS Act speaks about Whenever any person makes any arrest or seizure under this Act, he shall, within forty eight hours next after such arrest or seizure make a full report of all the particulars of such arrest of seizure to his immediate official superior.

(i) As far as the compliance of Section 57 of NDPS Act is concerned, the Inspector of Police Tmt. Hemalatha has not prepared a Detailed Report u/s 57 of the NDPS Act. So, the Investigation Officer, Inspector of Police has not prepared a Detailed Report u/s 57 of the NDPS Act. This provision is only directory one. In cases of non-compliance of Section 57, is to be seen whether it has caused any prejudice and for this non-compliance is to be considered with other facts and circumstances established. Already this Court had discussed and decided that information was recorded in writing by the Inspector of Police Tmt. Hemalatha and Ex.P4 Information letter was submitted to her Higher Officer. Therefore this Court decides that no prejudice was caused to the accused because of non compliance of provision of section 57 of the NDPS Act.

(ii) With regard to under section 25 r/w 20(b)(ii)(B) of NDPS Act 1985 that PW1 to PW3 in their evidences not even stated about the bike registration Number and the bike recovered in Athatchi Ex.P1 is not produced before this court and the investigation Officer PW3 Tmt. Hemalatha in her evidence not stated that whether she obtained bike registration certificate and who was the owner of the bike and the Motor Vehicle Inspector not even enquired by the PW3 Inspector of Police Tmt. Hemalatha and failure of production of bike Registration Certificate it is found that

the owner of the bike was not ascertained by the investigation officer namely PW3 and on prosecution side with available case materials failed to prove that the accused Siva was the owner of the bike and used the bike for Ganja selling. Hence with careful consideration of PW1 to PW3 evidences and Ex.P1 to P11, it is safely concluded that Secn25 r/w 20(b)(ii)(B) of NDPS Act charge is not proved against the accused beyond any reasonable doubts.

20. In view of the above discussion, the Prosecution has proved the charge framed against the accused Siva u/s 8(c)r/w 20(b)(ii)(B) of NDPS Act 1985.

21. When the accused Siva is questioned regarding the sentence u/s 8(c)r/w 20(b)(ii)(B) of NDPS Act to be awarded he replied as follows:

எனது வயது 31 ஆகும். நான் திருந்தி கூலி வேலை செய்கிறேன். எனக்கு வேறு கேஸ் இல்லை. என்னை மன்னிக்க வேண்டும்.

22. Heard the Learned counsel for the accused and the Learned Special Public Prosecutor regarding the quantum of sentence to be imposed upon the accused. The Learned counsel for accused would submit that minimum sentence may be imposed. Plea of the accused is also considered. The seized contraband from the accused is intermediate quantity. The age of the accused is 30 years old. The accused is regularly appearing before this Court. Hence, reasonable leanent punishment is to be awarded to accused for to lead a reformed life.

23. In the result,

the Accused is not found guilty u/s 25 r/w 20 (b) (ii) (B) of NDPS Act 1985 , and he is acquitted thereof under section 235(1) of Cr.P.C. and

Accused is found guilty for the offence u/s 8(c) r/w 20(b)(ii) (B) of NDPS Act 1985

and he is convicted 22 days Rigorous imprisonment and to pay a fine of Rupees 10,000/- in default to undergo one week Simple Imprisonment .

The detention period already undergone by the Accused is as follows
10.11.2025 to 01.12.2025 (22 days) is ordered to be set off u/s 428 of Cr.P.C.

24. The case properties as per form 5 of NDPS Rules 2022, were already handed over to the Drugs Disposal committee for disposal as per law.

This Judgment is dictated to the steno-Typist transcribed and typed by her and after making corrections, delivered on 13th day of August' 2026 in the open Court.

Additional District and Sessions Judge/ Presiding Officer,
Special Court for E.C. and NDPS Act, Pudukkottai.

1. List of witnesses on behalf of the prosecution:

PW.1	Thiru. Matheswaran, Head Constable.
PW.2	Thiru. Manikandan, Sub-Inspector of Police.
PW.3	Tmt. Hemalatha, Inspector of Police.

2. List of documents on behalf of the prosecution:

Ex.P1	Aathachi.
Ex.P2	Arrest Notice
Ex.P3	Signature of the 1st witness on the confession statement
Ex.P4	Prior permission letter
Ex.P5	Consent letter for search

Ex.P6	First Information Report.
Ex.P7	Form;95
Ex.P8	Medical Certificate.
Ex.P9	Photocopy of the two-wheeler
Ex.P10	Photocopy of the remaining Ganja.
Ex.P11	Chemical Analytical Report

3. Material objects: Nil.

4. Defence side witness and documents: Nil.

Additional District and Sessions Judge/ Presiding Officer,
Special Court for E.C. and NDPS Act, Pudukkottai.

N.B:

1. Accused is present at the time of Trial.
2. Witnesses were not withheld in court for more than 3 days at the time of trial.
3. Accused_is Convicted

Fair/Draft

CC. No.82/2026

Judgment on 13.08.2026