

CAUSE TITLE

Special (NDPS) Case No.13/2018.

Informant : Sri Kuldip Gogoi.

Accused : Smt Dipali Rai and Sri Biswajit Saha.

ADVOCATES :

For the State : Mr. J. Saikia, learned Special Public Prosecutor.

For the Defence : Mrs S. R. Boruah and Mr S. Chutia, learned
Advocates.

Case referred to : State of Punjab -vs- Baldev Singh (1999) 6 SCC
172.

**IN THE COURT OF SPECIAL JUDGE : LAKHIMPUR :
AT NORTH LAKHIMPUR.**

P R E S E N T - S.P. Khaund, (MA Economics, LLB),
Special Judge,
Lakhimpur, North Lakhimpur.

Special (NDPS) Case No.13/2018.

State of Assam.

-versus-

Smt Dipali Rai and Sri Biswajit Saha.

Charges : under Section 20(b)(C) of the NDPS Act.

Date of evidence. : 25.03.2019, 22.04.2019, 20.05.2019,
25.07.2019, 07.08.2019, 11.11.2019 and
04.01.2021.

Date of argument. : 17.03.2021.

Date of Judgment. : 23.04.2021.

J U D G M E N T

1) This case is initiated by an FIR lodged by SI Kuldip Gogoi (informant in short). The prosecution case as unfolded from the FIR, is that on 26.09.2018, the informant learnt about a large quantity of 'Ganja' being concealed in the premises of Smt Dipali Rai at Kathalpukhuri. It was also informed that the 'Ganja' would be removed in the next morning to another unknown location. For immediate action, the FIR was lodged which was registered

Contd...

as Laluk PS Case No.307/2018 under Section 20 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act for short) and Deputy Superintendent of Police (DSP in short) embarked upon the investigation.

2) During investigation, the Investigating Officer (I.O. in short) went to the place of occurrence, prepared the Sketch Map, seized the contraband articles and some other articles. The prosecution accordingly charged Dipali Rai and Biswajit Saha, (hereinafter referred to as A1 and A2 respectively), u/s 20 of the N.D.P.S. Act. A1 was enlarged on bail, but A2 Biswajit Saha contested this case from jail. During trial, a formal charge under Section 20(b)(C) of the NDPS Act was framed and read over and explained to both the accused persons. The accused persons abjured their guilt and claimed innocence.

3) To substantiate its stance, the prosecution adduced the evidence of eight witnesses and the defence cross-examined the witnesses to refute the charges. Various documents were exhibited by the prosecution. On the circumstances arising against the accused persons, the tone and tenor of the answers of the accused persons to the questions under Section 313 (1) (b) of the Code of Criminal Procedure (CrPC for short), depicts a plea of total denial.

SUBMISSIONS :

4) The learned Public Prosecutor, Sri Jagneswar Saikia, laid stress in his argument that this is an open and shut case. The accused deserves exemplary punishment. Consumption of drugs has a negative impact on today's youth. It was stressed by the prosecution that the accused deals in contraband articles.

Contd...

5) On the other, the learned defence counsel laid stress in his argument that the witnesses could not mention the date of the incident. The sole witness who could mention the date of the incident was the informant. The possession of 'Ganja' was not clearly mentioned in the evidence. It is not clear whether 'Ganja' was recovered from 'Hari Mandir' or from A1's house. The accused were not informed about their statutory right to be searched in the presence of a Magistrate or a gazetted officer.

POINTS FOR DETERMINATION :

6) To decide this case in its proper perspective, the following points are taken up:-

i) Whether on 26.09.2018, at about 8.15 pm, the accused Smt Dipali Rai - A1 was found in possession of 23.025 kilograms of 'Ganja' (cannabis) inside a striped plastic sack, and 1.050 kilograms of 'Ganja' in a cloth bag (Vimal Pan Masala written on it) ?

ii) Whether on 26.09.2018, at about 8.15 pm, the accused Sri Biswajit Saha - A2 was found in possession of 23.025 kilograms of 'Ganja' (cannabis) inside a striped plastic sack, and 1.050 kilograms of 'Ganja' in a cloth bag (Vimal Pan Masala written on it) ? Whether he transports contraband articles ?

DECISION THEREON AND THE REASONS FOR THE DECISION :

7) There are two sets of witnesses in this case. PW.1, PW.2, PW.3, PW4 and PW.5 are independent witnesses and the other witnesses are official witnesses.

Contd...

- i) PW.1 is a day labourer and his name is Sri Nabin Rai.
- ii) PW.2 Sri Krishna Rai is a businessman.
- iii) PW.3 Sri Ahdar Rai is a day labourer.
- iv) PW.4 Sri Anil Biswas is a day labourer.
- v) PW.5 Sri Chandra Kanta Sil is a businessman.
- vi) PW.6 Sri Kuldip Gogoi is SI of Police.
- vii) PW.7 Dr. Dhruvajyoti Hazarika is the Deputy Director of DFS and
- viii) PW.8 Sri Soumerjyoti Bhuyan is the Deputy Superintendent of Police.

8) PW.1 testified that both the accused persons reside near his house. The incident occurred during the 'Durga Puja' of the previous year, i.e. in the year 2018. At about 9 pm, while he was returning home after attending 'Durga Puja', he noticed policemen in A1's house. Some other people also assembled in her house. The police showed him some 'Ganja' inside one plastic bag and one 'Vimal' bag in A1's house. He did not know from where the 'Ganja' was recovered, but the same was recovered within A1's compound. He affixed his signature on a paper placed before him by the police. Ext.1(1) is his signature on a piece of paper. Both the accused persons were present at the place of occurrence. PW.1 identified the bag with the imprint 'Vimal' on it and it was marked as Material Ext.1. PW.1 testified that the bag had 'Ganja' inside it. The police then took away both the accused persons along with the 'Ganja'.

9) His cross-examination however dispels his evidence. He testified that the police did not disclose about the contents inside the bag, when he affixed his signature on Ext.1. He did not see

Contd...

from where the 'Ganja' was recovered. His statement was not recorded by the police and the police asked him whether the bag contained 'Ganja', when he affixed his signature on the Seizure List.

10) Much reliance cannot however be placed on PW.1's evidence. His evidence depicts that the seized article was recovered from A1's premises.

11) Krishna Roy testified as PW.2 that both the accused persons are known to him and they are from the same village with adjacent houses. The incident occurred at the time of 'Durga Puja' of 2018. On that night, at about 8 pm, after dinner, he heard a commotion emanating from A1's house and he rushed to the spot and noticed the police and an assembly of people around her homestead. The police showed him 'Ganja' in A1's courtyard. He saw 'Ganja' inside two bags. The police, then, asked him to affix his signature on a piece of paper through which 'Ganja' was seized. Ext.1 is the Seizure List and Ext.1(2) is his signature. The police arrested both the accused persons, A1 and A2. A1 is a businesswoman and she deals in 'Ganja'. The police took the accused persons along with them to the Police Station. PW.2 proved Material Ext.2 as the bag containing 'Ganja' and as the same bag, which was recovered by the police.

12) In his cross-examination, he testified that there were 50 / 60 odd people assembled in A1's house. He did not know from where, the police seized the 'Ganja' and brought the same to the courtyard of A1's house. This witness also identified the bag containing 'Ganja'. Material Ext.1 is the imprint of 'Vimal Pan-Masala' on the bag. The evidence of PW.2 and PW.3 depicts that 'Ganja' was allegedly seized from A1's compound.

Contd...

13) In sync with the evidence of PW.1 and PW.2, Adhar Roy testified as PW.3 that the accused persons are from his village. The incident occurred about six months back. On the night of incident, at around 8 / 9 pm, while returning from work, he noticed police in front of A1's house. The police asked him to affix his signature on a paper, and he affixed his thumb impression. This witness, however, did not know what had been recovered from A1's house. He was not certain if A1 and A2 were present in A1's house. He heard from the people that 'Ganja' was recovered from the side of 'Hari Mandir'. He heard from the VDP Secretary, Chandra Kanta Shill that 'Ganja' was recovered from the place of occurrence.

14) Similarly, Anil Biswas also testified as PW.4 that the incident occurred on the eve of 'Durga Puja' of 2018 at about 8 / 9 pm. He along with some other villagers were returning from 'Durga Mandir' and when they crossed A1's house, they noticed that the police and some other people were assembled in her house. He saw a bag of 'Vimal Pan-Masala' in the place of occurrence. The police asked him to affix his signature on a piece of paper, but he did not see what was inside the bag of 'Vimal Pan-Masala'. The police told him that the bag contained 'Ganja'. Ext.1 is the Seizure List, wherein he affixed his signature, marked as Ext.1(3). He did not know what was written in the Seizure List.

15) It appears that all the independent witnesses were reluctant to divulge if 'Ganja' was seized from A1's house. PW.4 disowned that the two bags contained 'Ganja'.

16) Chandra Kanta Shill testified as PW.5 that the incident occurred on the eve of 'Durga Puja' of 2018. At about 7 pm, he was attending a meeting to organise 'Durga Puja'. Then, the O.C.

Contd...

of Laluk P.S. came and asked him to go to A1's house, and then he went to A1's house. He saw people gathered in front of her house. A1's house is near the 'Hari Mandir'. In front of the 'Hari Mandir', he found a plastic sack of 'Gutka' with the imprint 'Vimal Gutka' under the banyan tree. The O.C. then took his signature on a piece of blank paper. Thereafter, the police took A1 along with the plastic sack and the 'Gutka' sack in a vehicle to the Laluk P.S.

17) This witness also disowned the Seizure List marked as Ext.1. He testified in his cross-examination that he did not know what was written in the Seizure List, Ext.1.

18) I would like to reiterate that the evidence of PW.1, PW.2, PW.3, PW.4 and PW.5 does not at all implicate that the 'Ganja' was seized from the possession of the accused persons. The official witnesses have asserted that 'Ganja' was seized from A1's house.

19) Sri Kuldip Gogoi is SI of Police and he testified as PW.6 that on 26.09.2018, he received an information from a reliable source about a large quantity of Ganja being concealed by A1 inside her house. He lodged the ejarah (FIR) with the police at Laluk P.S. A Laluk PS Case No.307/2018 u/s 20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (NDPS Act for short), and the DSP (Probationary) Sri Samarjit Bhuyan (PW.8) embarked upon the investigation. PW.8 recorded his (PW.6's) statement u/s 164 CrPC. Thereafter, he accompanied the DSP to Kathalpukhuri village and showed him the house of the accused, A1, but he (PW.6) did not enter into her house. DSP (PW.8) recovered the

Contd...

'Ganja' and seized the same from A1's house and arrested her along with another person, who was in her house. He was told about A1 and A2's arrest in A1's house by the DSP (PW.8), on their way back to the Police Station. The FIR was marked as Ext.2 and he proved his signature as Ext.2(1). This witness was not cross-examined.

20) The evidence of PW.6 is corroborated and supported by the evidence of DSP Samarjit Bhuyan, who testified as PW.8 that at that time, he was serving as DSP (Probationary) at Laluk P.S within the district of Lakhimpur. He further testified that in the evening of 26.09.2018, SI Kuldip Gogoi (PW.6) lodged the F.I.R about the tip off regarding concealment of 'Ganja' in A1's house at Kathalpukhuri village under Laluk PS. So, Ajit Kumar Bhuyan, the O.C of Laluk PS registered a Laluk PS Case No.307/2018 u/s 20 of the NDPS Act. He (PW.8) informed the matter to the Supdt. of Police, Lakhimpur, who entrusted him to proceed with the investigation. He went along with Kuldip Gogoi (PW.6) and other police personnel to Kathalpukhuri village. At about 7.15 pm, he reached A1's house. He requested the battalion to apprehend the accused A1 and he continuously knocked at her door. Finally, A1 opened the door and he conducted a search operation in her house, in presence of witnesses. He also found another man, Sri Biswajit Saha (A2) in her house. The odour of 'Ganja' emanated from her house and he got a whiff of the odour. Then, he (PW.8) asked both the accused persons to produce the 'Ganja' from the place where the same was concealed, and after some discussions with A2, A1 produced the 'Ganja' which was kept in a large bag near her kitchen. A1 then produced another small cloth bag containing 'Ganja' from the bed, in the front room of her house. A1 stated that the 'Ganja' belongs to the other accused, A2.

Contd...

Thereafter, he (PW.8) asked PW.6 to fetch an electronic weighing machine. Kuldip Gogoi (PW.6) brought one electronic weighing machine. The owner of the weighing scale, Habibur Rahman also came with them. He (PW.8) seized the weighing machine and prepared Seizure List, Ext.5 and Ext.5(1) is his signature. After the seizure of the weighing scale vide Ext.5, he asked the police staff who accompanied him to weigh the 'Ganja' found inside the two bags, one in a large plastic bag and one in a small cloth bag. Total weight was around 24.075 kgs. (large plastic bag containing 23.025 kgs and the small cloth bag containing 1.050 kgs). He seized the 'Ganja' vide seizure list, Ext.1, wherein Ext.1(5) is his signature. He then recorded the statements of the witnesses who were present at the place of occurrence. At about 9.15 pm, he along with the policemen seized the 'Ganja' and proceeded to Laluk PS along with both the accused persons and reached the P.S. at 9.30 pm.

21) Now, the onus lies on the prosecution to prove that the evidence of PW.8 is reliable and the accused are obligated to dislodge the presumption against them. The prosecution witness, PW.6 who is also a policeman failed to substantiate the evidence of his senior officer who strenuously conducted the investigation and seizure. PW.6 stated that he did not go inside A1's house.

22) Now, to bring home the charges against the accused persons, we are to rely on the evidence of only one witness i.e., PW.8. The evidence of PW.8 is credible enough as the sole witness, who has indeed implicated both the accused persons. At this juncture, I would like to advert to the evidence. PW.8 further testified that he prepared the sketch map of the place of occurrence. He proved the sketch map as Ext.6 and Ext.6(1) is

Contd...

his signature. When they reached the Police Station at about 9.35 pm, he recorded the statements of A1 and A1 vehemently denied that the 'Ganja' belongs to her. She kept on stating that A2, at times used to store 'Ganja' in her house. Subsequently, he recorded the statement of A2, who admitted that he used to purchase 'Ganja' from A1 and then, he used to sell the same.

23) After scrutinising the evidence, it is held that this case depends on the sole testimony of the key witness i.e., PW.8. Admission of the accused persons before the police (PW.8) cannot be accepted as evidence.

24) The 'Ganja' which was allegedly seized from A1's house by PW.8 is without doubt, a contraband which is also described as cannabis.

25) The evidence of PW.8 further proceeds that on 27.09.2018 at about 3.10 pm, he along with A1 and A2 went to the court of the Chief Judicial Magistrate, Lakhimpur (CJM in short). He carried the seized 'Ganja' which was produced before the CJM. The 'Ganja' was weighed in presence of the CJM and total weight was found to be 26.251 kg. The weight was found to be lesser than the earlier weight because of the moisture content that settled overnight. The accused persons were also produced before the CJM. In presence of the CJM, he (PW.8) collected 48 gms of 'Ganja' from the large plastic bag and another sample of 48 gms of 'Ganja' from the small cloth bag and prepared two samples of 24 gms each and put the samples inside a plastic coated paper envelope and then, he forwarded the samples to the Crime Branch of North Lakhimpur for onward transmission of the same to the Directorate of Forensic Science, Kahilipara. The remaining

Contd...

two samples were deposited in the PI office. On receipt of the report of Forensic examination and on finding sufficient incriminating materials against both the accused persons, he submitted the charge-sheet against Dipali Rai (A1) and Biswajit Saha (A2) u/s 20(b) of the NDPS Act. He proved the charge-sheet as Ext.7 and Ext.7(1) is his signature. The seized 'Ganja' tested positive for 'Ganja', in other words, 'cannabis'.

26) The evidence of Dr. Dhrubajyoti Hazarika also affirms that the articles seized from the accused A1's house was nothing but 'Ganja'. He is the Deputy Director of Drugs and Narcotic Division of the Directorate of Forensic Science (DFS for short), Kahilipara. He testified as PW.7 that on 28.09.2018, he received a sealed parcel from the Director in connection with Laluk PS Case No.307/2018 for chemical examination. The parcel consisted of two exhibits enclosed in two sealed cover. The facsimile of the seal was found to be "SUPDT OF POLICE NL".

Sl. No.	Particulars	Marked as.
1	One Sealed envelope containing one closed polythene packet containing 24 gms dry plant materials.	DN - 514 / 2018 (a).
2	One Sealed envelope containing one closed polythene packet containing 24 gms dry plant materials.	DN - 514 / 2018 (b).

27) Recapitulating the entire evidence, it is held that there is not an iota of doubt that the seized contraband was nothing but cannabis amounting to 26.251 Kgs. This amount falls under the range of the quantified amount, lesser than commercial amount, but higher than small quantity. PW.8 is the sole witness, whose

Contd...

evidence depicts that the seized contraband was found inside the accused A1's house. The independent witnesses did not support the evidence of PW.8. PW.1's evidence was held to be unreliable. PW.2's evidence depicts that the bags were found in the courtyard. PW.3's evidence depicts that the bags were found in 'Hari Mandir' adjacent to A1's house. PW.4's evidence depicts that the bags were found in front of the 'Hari Mandir'. I would like to reiterate that PW.6 failed to support his superior's evidence. The accused persons in the defence denied the possession of the prohibited substances indicating that the charges were fabricated by the police. After scanning the evidence of PW.8, it could be deciphered that the Investigating Agency failed to inform the accused persons of their statutory right u/s 50 of the NDPS Act.

28) In the instant case, it cannot be considered as breach of Section 50 of the NDPS Act by the PW.8 because the contraband substance was allegedly found inside the A1's house. The evidence of PW.8 reveals that he laid siege and entered into A1's house without prior information. After completing the procedural formalities, he seized all the articles and thereafter, charged the accused persons for offence u/s 20 of the NDPS Act. Although, the I.O. scrupulously conducted the investigation, it will be perilous to convict both the accused persons on the sole testimony of the I.O. His evidence is not supported by the evidence of the informant, who is also a police officer. The informant accompanied the I.O. up to the door step of the accused person's house, but for reasons best known to him, the informant did not support the I.O.'s evidence. The other witnesses failed to substantiate the I.O.'s evidence. The evidence of the witnesses does not at all depict that the contraband

Contd...

articles were recovered within the accused person's house. The witnesses, PW.1, PW.4 and PW.5 failed to identify the seized articles as 'Ganja'. According to PW.3 and 4, the 'Ganja' was recovered from 'Hari Mandir'. Adding to the discrepancies, the evidence of the witnesses does not reflect that the accused persons were informed about their statutory right to be searched in presence of the Magistrate or a gazetted officer.

29) At this juncture I would like to rely on a decision of the Hon'ble Supreme Court. It was observed by the Hon'ble Supreme Court in a reference in *State of Punjab -vs- Baldev Singh (1999) 6 SCC 172*, that -

“ 57. On the basis of the reasoning and discussion above, the following conclusions arise:

(1) That when an empowered officer or a duly authorised officer acting on prior information is about to search a person, it is imperative for him to inform the person concerned of his right under sub-section (1) of Section 50 of being taken to the nearest gazetted officer or the nearest Magistrate for making the search. However, such information may not necessarily be in writing.

(2) That failure to inform the person concerned about the existence of his right to be searched before a gazetted officer or a Magistrate would cause prejudice to an accused.

(3) That a search made by an empowered officer, on prior information, without informing the person of his right that if he so requires, he shall be taken before a gazetted

Contd...

officer or a Magistrate for search and in case he so opts, failure to conduct his search before a gazetted officer or a Magistrate, may not vitiate the trial but would render the recovery of the illicit article suspect and vitiate the conviction and sentence of an accused, where the conviction has been recorded only on the basis of the possession of the illicit article, recovered from his person, during a search conducted in violation of the provisions of Section 50 of the Act.

(4) That there is indeed need to protect society from criminals. The societal intent in safety will suffer if persons who commit crimes are let off because the evidence against them is to be treated as if it does not exist. The answer, therefore, is that the investigating agency must follow the procedure as envisaged by the statute scrupulously and the failure to do so must be viewed by the higher authorities seriously inviting action against the official concerned so that the laxity on the part of the investigating authority is curbed. In every case the end result is important but the means to achieve it must remain above board. The remedy cannot be worse than the disease itself. The legitimacy of the judicial process may come under a cloud if the court is seen to condone acts of lawlessness conducted by the investigating agency during search operations and may also undermine respect for the law and may have the effect of unconscionably compromising the administration of justice. That cannot be permitted. An accused is entitled to a fair trial. A conviction resulting from an unfair trial is contrary to our concept of justice. The use

Contd...

of evidence collected in breach of the safeguards provided by Section 50 at the trial, would render the trial unfair.

(5) That whether or not the safeguards provided in Section 50 have been duly observed would have to be determined by the court on the basis of the evidence led at the trial. Finding on that issue, one way or the other, would be relevant for recording an order of conviction or acquittal. Without giving an opportunity to the prosecution to establish, at the trial, that the provisions of Section 50 and, particularly, the safeguards provided therein were duly complied with, it would not be permissible to cut short a criminal trial.

(6) That in the context in which the protection has been incorporated in Section 50 for the benefit of the person intended to be searched, we do not express any opinion whether the provisions of Section 50 are mandatory or directory, but hold that failure to inform the person concerned of his right as emanating from sub-section (1) of Section 50, may render the recovery of the contraband suspect and the conviction and sentence of an accused bad and unsustainable in law.

(7) That an illicit article seized from the person of an accused during search conducted in violation of the safeguards provided in Section 50 of the Act cannot be used as evidence of proof of unlawful possession of the contraband on the accused though any other material recovered during that search may be relied upon by the

Contd...

prosecution, in other proceedings, against an accused, notwithstanding the recovery of that material during an illegal search.

(8) A presumption under Section 54 of the Act can only be raised after the prosecution has established that the accused was found to be in possession of the contraband in a search conducted in accordance with the mandate of Section 50. An illegal search cannot entitle the prosecution to raise a presumption under Section 54 of the Act.

(9) That the judgment in Pooran Mal case [(1974) 1 SCC 345] cannot be understood to have laid down that an illicit article seized during a search of a person, on prior information, conducted in violation of the provisions of Section 50 of the Act, can by itself be used as evidence of unlawful possession of the illicit article on the person from whom the contraband has been seized during the illegal search.

(10) That the judgment in Ali Mustaffa case [(1994) 6 SCC 569] correctly interprets and distinguishes the judgment in Pooran Mal case [(1974) 1 SCC 345] and the broad observations made in Pirthi Chand case [(1996) 2 SCC 37] and Jasbir Singh case [(1996) 1 SCC 288] are not in tune with the correct exposition of law as laid down in Pooran Mal case [(1974) 1 SCC 345].”

30) In the instant case, it is held that it could not be culled out from the evidence if A1 deals in ‘Ganja’ or whether A2 deals in ‘Ganja’. Even if, it is believed that the ‘Ganja’ was seized

Contd...

from A1's house, she cannot be held solely responsible for possession of the 'Ganja'. There is not an iota of doubt that the seized article was nothing but 'Ganja'. The evidence of PW.7 has proved to the hilt that the seized article was 'Ganja'. Presumption u/s 54 of the Act could have been raised, if the prosecution had established that the accused persons were found to be in possession of the contraband. The accused, Sri Biswajit Saha - A2 was not found to be in possession of the contraband. Although, 'Ganja' was seized from the accused, Dipali Rai's house, yet she cannot be held liable on the basis of the unsubstantiated testimony of PW.8. Though strong suspicion lies against accused Dipali Rai - A1, yet she gets the benefit of doubt.

31) It has to be borne in mind that the sole testimony of PW.8 (I.O) depicts that the 'Ganja' was found in Dipali Rai's (A1's) house. It could not be deciphered from the evidence of the witnesses if there were other adult members residing in Dipali Rai's house or homestead. In case of recovery of 'Ganja' inside a house, the Investigating Agency is not obligated to inform the accused about his or her statutory right u/s 50 of the N.D.P.S. Act. As the other witnesses did not implicate the accused persons, the accused gets the benefit of doubt, more so, when the informant failed to substantiate the evidence of the I.O. regarding the procedure of seizure of the 'Ganja' allegedly from A1's house. It is thereby held that only on the basis of possession of illicit article allegedly recovered from A1's house or compound, she cannot be saddled with the guilt of offence u/s 20(b) (c) of the N.D.P.S. Act.

32) It is, therefore, held that the prosecution failed to prove beyond reasonable doubt that the accused, Smt Dipali Rai - A1 and Sri Biswajit Saha - A2 acted in contravention of the

Contd...

provisions of the N.D.P.S. Act, and were found selling, purchasing, transporting and possessing 'Ganja' weighing 24.075 Kgs.

33) Accordingly, the accused persons, Smt Dipali Rai and Sri Biswajit Saha are acquitted from the charges u/s 20(b) of the NDPS Act, and are set at liberty forthwith.

34) This case is disposed of on contest.

Given under the hand and seal of this Court on the 23rd day of April, 2021.

(S.P. Khaund)
Special Judge,
Lakhimpur, North Lakhimpur.

Certified that the Judgment is typed to my dictation and corrected by me and each page bears my signature.

(S.P. Khaund)
Special Judge,
Lakhimpur, North Lakhimpur.

A P P E N D I X

Special (NDPS) Case No.13/2018.

LIST OF WITNESSES FOR PROSECUTION :

1. PW.1 - Sri Nabin Rai.
2. PW.2 - Sri Krishna Rai.
3. PW.3 - Sri Adhar Rai.
4. PW.4 - Sri Anil Biswas.
5. PW.5 - Sri Chandra Kanta Shill.
6. PW.6 - SI Kuldip Gogoi, I.O.
7. PW.7 - Dr. Dhruvajyoti Hazarika.
8. PW.8 - Sri Saumerjyoti Bhuyan, DSP.

LIST OF COURT WITNESS :

Nil

LIST OF EXHIBITS FOR PROSECUTION :

- Ext.1 - Seizure List.
- Ext.2 - Ejahar (F.I.R.)
- Ext.3 - Forensic Examination Report.
- Ext.4 - Forwarding letter.

LIST OF MATERIAL EXHIBITS FOR PROSECUTION :

Nil.

LIST OF WITNESSES FOR DEFENCE :

Nil.

LIST OF EXHIBITS FOR DEFENCE :

Nil.

(S.P. Khaund)
Special Judge,
Lakhimpur, North Lakhimpur.

Transcribed and typed by :

Sri Satyabrata Kshattri, Stenographer.