



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Appeal (Sb) No. 1788/2024

Manohar Lal S/o Shri Krishna Ram, Aged About 30 Years, R/o
Andaniyo Ki Dhani Ranasar Khurd, Rgt Police Station, District
Barmer.

-----Appellant

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Appellant(s) : Mr. R.K. Charan
For Respondent(s) : Mr. S.S. Rathore, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

ORDER RESERVED ON ::: **09/07/2025**
ORDER PRONOUNCED ON ::: **01/08/2025**

Reportable

BY THE COURT: -

1. The instant criminal appeal under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 374(2) of the Code of Criminal Procedure, 1973²) has been preferred by the appellant against the judgment dated 19.10.2024, passed by the learned Special Judge, NDPS Act Cases, District Jalore³, in Sessions Case No. 05/2017. By the said judgment, the appellant was convicted for the offences punishable under Sections 8/15 and 8/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985⁴, as well as Sections 279, 337,

1 To be referred as "BNSS".
2 To be referred as "CrPC".
3 To be referred as "Learned Judge".
4 To be referred as "NDPS Act".



323, and 332 of the Indian Penal Code, 1860⁵, and Section 3 of the Prevention of Damage to Public Property Act, 1984⁶. The appellant was sentenced to 10 years of rigorous imprisonment under Sections 8/15 and 8/29 of the NDPS Act, along with a fine of ₹1,00,000/-, and in default of payment of fine, to further undergo six months of simple imprisonment.

2. Briefly stating the facts of the case are that on 07.09.2016, acting upon specific information, police officials of Sayala Police Station, District Jalore, set up a blockade at Sarhad Unadi around 9:45 AM. During the blockade, a Scorpio vehicle bearing registration number RJ-04-TA-4331, and a Bolero bearing engine number GHG4C72030 from the Pathedi route, attempted to evade the blockade. When signaled to stop, the drivers of both the cars accelerated, attempting to break through. The police personnel pursued the vehicles, and during the chase, some occupants of the Bolero got out, while brandishing pistols, fled the scene, abandoning the vehicle. Upon searching the abandoned Scorpio, the police did not recovered anything but while searching Bolero, the police recovered 13 sacks containing approximately 282 kilograms of poppy husk. Then, the samples were duly collected, sealed, and marked. Consequently, an FIR No.109/2016 was registered under Sections 8/15 of the NDPS Act, Sections 353 and 332 of the IPC, and Section 3 of the PDPPA Act. The appellant was arrested, and after investigation, a charge sheet was filed. Charges were framed, which the appellant denied. During trial, the

5 To be referred as "IPC".

6 To be referred as "PDPPA Act".



prosecution examined 35 witnesses and produced 163 documents. Ultimately, the learned Judge vide judgment dated 19.10.2024, convicted and sentenced the appellant, leading to the filing of this appeal.

3. Heard learned counsel appearing on behalf of the petitioner and learned Dy.G.A. appearing on behalf of the State as well as perused the material available on record.

4. On perusal of the record, it is revealed that despite an array of witnesses and a large volume of documents annexed to the charge-sheet, barring Hanwantaram and the Investigating Officer who recorded his statement, there appears to be neither any direct nor indirect nexus connecting the appellant with the alleged offence. The members of the team who were allegedly involved in chasing the vehicle have simply stated that a recovery of contraband was effected from a car. However, none of them has deposed anything which could directly or indirectly connect the appellant with the vehicle in question or the contraband recovered therefrom.

4.1 It is also pertinent to note that the prosecution has failed to establish any link of the appellant with either of the two vehicles, the Scorpio or the Bolero. It is not the case of the prosecution that the appellant had at any point of time, either actual or constructive possession, dominion, control, or even a momentary custody of the vehicles. The investigation revealed that the Scorpio was owned by one Devilal s/o Thakraram, while the Bolero was owned by one Maljibhai s/o V. Desai. Further, as per the



prosecution story, the Bolero vehicle was allegedly stolen and in that regard, an FIR bearing No. 90 dated 20.09.2016 had been lodged at Chandkheda Police Station, Ahmedabad. However, even from this angle, the appellant has not been shown to have any connection whatsoever with the said vehicle.

5. Now proceeding to the aspect of Section 27 of the Indian Evidence Act⁷, and the distinction between material collected during investigation and substantive evidence adduced before the Court. It is settled law that for any evidence to attain probative and substantive value, it must be given on oath and be subject to the test of cross-examination. This Court proposes to deal with the matter in two limbs: First, **(A)** the scope and applicability of Section 27 of the IEA, particularly with respect to facts already discovered; and Second, **(B)** the evidentiary value of statements made to the police during investigation as contrasted with statements made on oath before the Court.

A. Admissibility under Section 27 of the Evidence Act:

Facts Already Discovered

6. To start with, it is necessary to reproduce Section 27 of the IEA for better reference. For ready reference, Section 27 of the IEA is reproduced herein below:-

27. How much of information received from accused may be proved.--Provided that, when any fact is proved to have been discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

⁷ To be referred as "IEA".



6.1 During course of investigation, in which one Tikuram alias Tikmaram was arrested in Barmer in another criminal case No. 105/2016 under Sections 436 and 120-B of IPC. While in detention, he allegedly made a statement before Sub-Inspector Premaram on 15.12.2016, nearly three months after the incident, which has been tendered in evidence as Exhibit P-37, purporting to be a disclosure statement under Section 27 of the IEA. In this statement, the said accused allegedly disclosed that he could show the place where the Bolero vehicle was driven by the present appellant. Similarly, Exhibits P-34 and P-35 also reflect involvement of the present appellant on the basis of this disclosure. However, this Court is of the considered opinion that the statement made by an accused in some other case while in custody, which is self-incriminating and at the same time seeks to inculcate another, squarely falls within the mischief of Sections 25 and 26 of the IEA. In absence of discovery of any fresh fact as a consequence of such statement, it cannot be protected under Section 27 of the Act.

6.2 Section 27 of the IEA is an exception to Sections 24, 25, and 26 of the IEA, and the admissibility under Section 27 is extremely limited. The last line of Section 27, i.e., "**so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered...**", is of crucial importance. Unless the fact discovered is a new and direct consequence of the statement made, it does not qualify for admissibility. When the police were already aware of the place of



recovery, a subsequent statement reiterating the same does not become admissible.

6.3 If it is an information under Section 27 of the Evidence Act, something is required to be recovered or discovered in pursuance of the information supplied under Section 27 of the Evidence Act which distinctly relates to the commission of the crime. It is the admitted case of prosecution that in pursuance of the information furnished under Section 27 of the Evidence Act regarding the culpability of the petitioner, nothing new was disclosed, recovered or discovered. This court is of the view that at least there must be some corroborations or support to verify the confession made by the accused to the Police Officer while in lockup.

6.4 A simple reading of Section 27 of the IEA shows that only information in the form of confession received from disclosure made by an accused cannot be taken as reliable piece of evidence in isolation until there is a discovery or a recovery or another fact to corroborate the said information and prove its veracity. Precisely, it can be said that Section 27 of the IEA is an exception to Sections 24, 25 and 26 of IEA, however, the exception limits its admissibility only upto what is envisaged in the statute itself and not beyond that.

6.5 Sub-Inspector Premaram deposed that the accused himself made such a statement to him, has no evidentiary worth which can be considered to sustain conviction since it being a second-hand narrative and the same can be held admissible only when the accused acknowledges having made such a disclosure.



However, the accused has categorically denied the allegation and opted to face trial; thus, no legal sanctity can be attached to such an assertion in the absence of its affirmation by the accused himself. Secondly, the statement of Sub-Inspector Premaram merely reflects that he was informed by an accused in some other case that he could lead the police to the place where the appellant allegedly rammed the police vehicle and the contraband was recovered. Such a statement, being purely hearsay in nature, cannot be treated as substantive evidence and does not inspire judicial confidence for the purpose of conviction. Even the narration by Sub-Inspector Premaram as to what the accused of some other case told him is nothing but hearsay, and the same does not fall within the exception of any rule of evidence.

6.6 The judgment of the Hon'ble Privy Council in **Pulukuri Kottaya and Ors. vs. Emperor** reported in AIR 1947 PC 67 and of the Hon'ble Supreme Court in **Mohmed Inayatullah vs. The State of Maharashtra** reported in (1976) 1 SCC 828 lucidly lay down this principle. Any disclosure made under such circumstances becomes perfunctory, bereft of evidentiary sanctity, and no reliance can be placed thereupon. For ready reference, the relevant paragraphs of the judgments are being reproduced herein below:-

Pulukuri Kottaya and Ors. vs. Emperor

"8. The second question, which involves the construction of s. 27, Evidence Act, will now be considered. That section and the two preceding sections, with which it must be read, are in these terms:



25. No confession made to a Polio officer, shall be proved as against a person accused of any offence.

26. No confession made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

9. The explanation to the section is not relevant.

27. Provided that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence in the custody of a Police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

10. Section 27, which is not artistically worded, provides an exception to the prohibition imposed by the preceding section, and enables certain statements made by a person in police custody to be proved. The condition necessary to bring the section into operation is that discovery of a fact in consequence of information received from a person accused of any offence in the custody of a Police officer must be deposed to, and thereupon so much of the information as relates distinctly to the fact thereby discovered may be proved. The section seems to be based on the view that if a fact is actually discovered in consequence of information given, some guarantee is afforded thereby that the information was true, and accordingly can be safely allowed to be given in evidence; but clearly the extent of the information admissible must depend on the exact nature of the fact discovered to which such information is required to relate.

Normally the section is brought into operation when a person in police custody produces from some place of concealment some object, such as a dead body, a weapon, or ornaments, said to be connected with the crime of which the informant is accused. Mr. Megaw, for the Crown, has argued that in such a case the "fact discovered" is the physical object produced, and that any information which relates distinctly to that object can be proved. Upon this view information given by a person that the body produced is that of a person murdered by him, that the weapon produced is the one used by him in the commission of a murder, or that the ornaments produced were stolen in a dacoity would all be admissible. If this be the effect of section 27, little substance would remain in the ban imposed by the two preceding sections on confessions made to the police, or by persons in police custody. That ban was presumably inspired by the fear of the Legislature that a person under police influence might be induced to confess



by the exercise of undue pressure. But if all that is required to lift the ban be the inclusion in the confession of information relating to an object subsequently produced, it seems reasonable to suppose that the persuasive powers of the police will prove equal to the occasion, and that in practice the ban will lose its effect. On normal principles of construction their Lordships think that the proviso to s. 26, added by s. 27, should not be held to nullify the substance of the section. In their Lordships view it is fallacious to treat the "fact discovered" within the section as equivalent to the object produced; the fact discovered embraces the place from which the object is produced and the knowledge of the accused as to this, and the information given must relate distinctly to this fact. Information as to past user, or the past history, of the object produced is not related to its discovery in the setting in which it is discovered. Information supplied by a person in custody that "I will produce a knife concealed in the roof of my house" does not lead to the discovery of a knife; knives were discovered many years ago. It leads to the discovery of the fact that a knife is concealed in the house of the informant to his knowledge, and if the knife is proved to have been used in the commission of the offence, the fact discovered is very relevant. But if to the statement the words be added "with which I stabbed A" these words are inadmissible since they do not relate to the discovery of the knife in the house of the informant.

11. High Courts in India have generally taken the view as to the meaning of s. 27 which appeals to their Lordships, and reference may be made particularly to (29) 10 Lah. 283 : A.I.R. 1929 Lah. 344, Sukhan v. Emperor and (32) 56 Bom. 172 : 19 A.I.R. 1932 Bom. 286 : 157 I.C. 174, Ganu Chandra v. Emperor on which the appellants rely, and with which their Lordships are in agreement. A contrary view has, however, been taken by the Madras High Court, and the question was discussed at length in a Full Bench decision of that Court in (37) I.L.R. (1937) Mad. 695 : 24 A.I.R. 1937 Mad. 618 : 171 I.C. 245 (F.B.), Athappa Gaundan v. Emperor where the cases were referred to. The Court, whilst admitting that the weight of Indian authority was against them, nevertheless took the view that any information which served to connect the object discovered with the offence charged was admissible, under S. 27. In that case the Court had to deal with a confession of murder made by a person in police custody, and the Court admitted the confession because in the last sentence (readily separable from the rest) there was an offer to produce two bottles, a rope, and a cloth gag, which, according to the confession had been used in, or were connected with, the



commission of the murder, and the objects were in fact produced. The Court was impressed with the consideration that as the objects produced were not in themselves of an incriminating nature their production would be irrelevant unless they were shown to be connected with the murder, and there was no evidence so to connect them apart from the confession. Their Lordships are unable to accept this reasoning. The difficulty, however great, of proving that a fact discovered on information supplied by the accused is a relevant fact can afford no justification for reading into s. 27 something which is not there, and admitting in evidence a confession barred by s. 26. Except in cases in which the possession, or concealment, of an object constitutes the gist of the offence charged, it can seldom happen that information relating to the discovery of a fact forms the foundation of the prosecution case. It is only one link in the chain of proof, and the other links must be forged in manner allowed by law."

Mohmed Inayatullah vs. The State of Maharashtra

"10. Although the interpretation and scope of Section 27 has been the subject of several authoritative pronouncements, its application to concrete cases is not always free from difficulty. It will therefore be worthwhile at the outset, to have a short and swift glance at the section and be reminded of its requirements. The Section says:

Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered may be proved.

11. The expression "Provided that" together with the phrase "whether it amounts to a confession or not" shows that the section is in the nature of an exception to the preceding provisions particularly Sections 25 and 26. It is not necessary in this case to consider if this section qualifies, to any extent, Section 24, also. It will be seen that the first condition necessary for bringing this section in to operation is the discovery of a fact, albeit a relevant fact, in consequence of the information received from a person accused of an offence. The second is that the discovery of such fact must be deposed to. The third is that at the time of the receipt of the information the accused must be in police custody. The last but the most important condition is that only "so much of the information" as relates distinctly



to the fact thereby discovered is admissible. The rest of the information has to be excluded. The word "distinctly" means "directly", indubitably "strictly", "unmistakably". The word has been advisedly used to limit and define the scope of the provable information. The phrase "distinctly" relates "to the fact thereby discovered" (sic) (and?) is the linchpin of the provision. This phrase refers to that part of the information supplied by the accused which is the direct and immediate cause of the discovery.

The reason behind this partial lifting of the ban against confessions and statements made to the police, is that if a fact is actually discovered in consequence of information given by the accused, it affords some guarantee of truth of that part, and that part only, of the information which was the clear, immediate and proximate cause of the discovery. No such guarantee or assurance attaches to the rest of the statement which may be indirectly or remotely related to the fact discovered.

12. At one time it was held that the expression "fact discovered" in the section is restricted to a physical or material fact which can be perceived by the senses, and that it does not include a mental fact see Sukhan v. Crown AIR 1929 Lah 344; Gangu Chandra v. Emperor AIR 1932 Bom 286. Now it is fairly settled that the expression "fact discovered" includes not only the physical object produced, but also the place from which it is produced and the knowledge of the accused as to this see Palukuri Kotayya v. Emperor 74 AIR 1947 PC 67, Udai Bhan v. State of Uttar Pradesh AIR 1962 SC 1118."

6.7 In the case of **Vijender and Ors. Vs. State of Delhi** reported in (1997) 6 SCC 171, Hon'ble the Supreme Court has made observations regarding a statement of a witness based on information given by some other person and admissibility under Section 27 of the IEA where the fact has already been discovered. For ease of reference, the relevant paragraph of the judgment is reproduced herein below:-

"11. The evidence of P.W. 5 that Raju gave him the number of the vehicle and the names of the three appellants as the miscreants was not legally admissible for Raju (P.W. 4) did not state that he had seen the three appellants to kidnap Khurshid nor did he give the vehicle number in which



Khurshid was taken away. In absence of such direct evidence of Raju (P.W. 4), the testimony of P.W. 5 to that extent would be hit by Section 60 of the Evidence Act. The said Section, so far as it is relevant for our present purpose lays down that oral evidence must, in all cases whatever, be direct; that is to say if it refers to a fact which could be seen it must be the evidence of a witness who says he saw it (emphasis supplied). In the instant case the facts which could be seen were that Khurshid was kidnapped, that the appellants kidnapped him and that he was kidnapped in Car No. DDB 5067 and therefore P.W. 4 was the only person (in absence of any other eye witness) who was legally competent to testify about these facts. Since P.W. 4 did not testify to two of the above facts, namely the car number and the persons who kidnapped him, the statement of P.W. 5 that he was also told about the above two facts would not be admissible being, 'hearsay', but his testimony that P.W. 4 told him that Khurshid was kidnapped would be admissible as corroborative evidence Under Section 157 of the Evidence Act. While on this point it need be mentioned that in the facts of the present case Section 6 of the Evidence Act also does not come in aid of the prosecution.

12-16.

17. Another elementary statutory breach which we notice in recording the evidence of the above witnesses is that of Section 27 of the Evidence Act. Evidence was led through the above three police witnesses that in consequence of information received from the three appellants on June 30, 1992 they discovered the place where the dead body of Khurshid was thrown. As already noticed, the dead body of Khurshid was recovered on June 27, 1992 and therefore the question of discovery of the place where it was thrown thereafter could not arise. Under Section 27 of the Evidence Act if an information given by the accused leads to the discovery of a fact which is the direct outcome of such information then only it would be evidence but when the fact has already been discovered as in the instant case-evidence could not be led in respect thereof.

From bare perusal of the judgment referred above, the law, as expounded in paragraph 11, makes it abundantly clear that any statement made by a witness based solely on what he was informed by another, without having personally perceived the facts, would fall within the realm of hearsay and be inadmissible



under Section 60 of the IEA. Oral testimony must be direct, and where the fact in question is one that can be seen, it must emanate from the testimony of a witness who claims to have seen it. In absence of such ocular evidence, the chain of admissibility breaks irreparably. Similarly, paragraph 17 of the judgment referred above underscores a cardinal principle underlying Section 27 of the IEA, that a disclosure made by an accused can lead to admissible in evidence only if it results in the discovery of a fact previously unknown to the investigating agency. Where the fact such as the location of a dead body is already within the knowledge of the police or has been recovered prior to the alleged disclosure, any subsequent statement made under the guise of Section 27 would be rendered legally inconsequential. In both scenarios, the statutory mandate is clear that evidentiary value cannot be conferred upon statements which do not meet the threshold of legal admissibility, whether for want of directness or for lack of novelty in discovery.

B. Evidentiary Value: Police v. On-Oath Statement

7. Moving further, it is also noteworthy that the prosecution has relied upon the statement of one Hanwantaram, son of Punaram Jaat, to establish a link between a mobile SIM card found in the Bolero vehicle and the appellant. As per the police version, the said SIM card was issued in the name of Hanwantaram, and he allegedly told the police officer that he had given the SIM to the appellant 7-8 months ago prior to the incident. However, during the trial, Hanwantaram did not support the prosecution on this



aspect and failed to state on oath that he had ever handed over the said SIM card to the appellant.

7.1 If the statements made before the police, whether accepted or not by the witness during trial, were to be treated as having conclusive value, then the very purpose of holding a trial would stand defeated. The charge-sheet itself is based on what the police recorded during investigation. Had that alone been sufficient to secure conviction, there would have been no necessity to summon witnesses for deposition under oath. The legal position is well-settled that statements made before the police have no evidentiary value unless duly affirmed before the Court during trial. The statements recorded during investigation can be taken in the course of trial for contradiction, sometimes omission, improvement or material improvement, and sometimes for a limited purpose of contradiction, but by no stretch of imagination can such statements be taken as a piece of evidence. In fact, the above is material collected during investigation and bears its main importance up to the stage of framing of charges. After commencement of trial, the above material is required to be converted into legally admissible evidence, which can be used for adjudication of guilt. In the present case, unless Hanwantaram, while deposing on oath during trial, states that he had handed over the SIM card to the appellant and he was using this; no inference, direct or remote can be drawn to establish any link of the said SIM card with the appellant. This Court must underscore that the sanctity of trial lies in the testimony rendered on oath





before the Court. What the witness might have told the police during investigation, if not affirmed in Court cannot be treated as substantive evidence.

7.2 This Court is of the view that the material collected during investigation does not *ipso facto* partake the character of evidence. It is only at the stage of trial that such material is required to be converted into legally admissible evidence. If it is not asserted rather unconverted, it cannot be read in evidence. The substantive piece of evidence is what the witness deposes before the Court during trial, and not the statements recorded at any anterior stage, whether under Sections 161 or 164 of the CrPC⁸. The law requires that a witness, during trial, must depose, insinuate, or make accusations in the courtroom under oath. No conviction can be sustained merely on the basis of a police statement recorded under Section 161 CrPC⁹, particularly when the witness, while deposing on oath before the trial court, denies having made such a statement.

7.3 It is settled that statements under Section 161 CrPC¹⁰ are not to be signed by the witness and if signed, the statement becomes inadmissible in evidence under Section 162 CrPC¹¹. Such statements are only relevant for the purpose of contradiction or corroboration under Sections 145 and 155¹² of the Indian Evidence Act and do not constitute substantive evidence.

8 Corresponding to Sections 180 and 183 respectively of BNSS.

9 Corresponding to Sections 180 of BNSS.

10 Corresponding to Section 180 of BNSS.

11 Corresponding to Section 181 of BNSS.

12 Corresponding to Sections 148 and 158 respectively of Bhartiya Sakshya Adhiniyam.





7.4 Till date, there is not even a single piece of cogent or credible evidence on record which may suggest even remotely that the appellant had any connection with the vehicle in question or that he was involved in transportation of the contraband. The investigation too, in this regard, appears to be wholly casual, defective and incomplete. If the prosecution intended to establish the appellant's connection with the said mobile number, it ought to have produced witnesses who could state that they had either spoken to the appellant on that number or seen him using that number. No such effort appears to have been made.

7.5 In the absence of such clinching material, and particularly after the disowning of the prosecution story by Hanwantaram in the trial, the link between the SIM card and the appellant remains completely unsubstantiated. Thus, neither Point A, i.e., the alleged connection with the vehicle and contraband, nor Point B, i.e., the alleged use of the mobile number/SIM card, stands established. No other material has been produced which could connect the appellant with either the commission of the offence or his presence at the crime scene. The prosecution, in this case, has miserably failed to substantiate the charge against the appellant. The judgment of conviction thus appears to be based on surmises and conjectures, and cannot be sustained in the eye of law.

8. In the present case, the prosecution has failed to prove any nexus of the appellant with the contraband. It is not the case of the prosecution that the appellant was found on the spot, nor has any witness deposed that he was present at the place of incident.



He is not the registered owner of the vehicle in question, nor was anything recovered from the said vehicle that could directly connect him with the offence. In offences under the NDPS Act, the burden upon the prosecution is heavy, and the standard of proof is strict, the guilt must be proved beyond reasonable doubt. A conviction cannot rest upon a single, shaky, and non-substantive piece of evidence. A person cannot be convicted on the basis of a mere *ipse dixit*, or weak, vague, or bleak evidence. In view of the above, the conviction recorded by the learned trial court is bad in the eyes of law and deserves to be set aside.

9. Accordingly, the instant criminal appeal is allowed. The judgment dated 19.10.2024 passed by the learned Judge for the offence under Sections 8/15 and 8/29 of the NDPS Act and the order of sentence passed against the appellant are set aside.

10. In light of the mandate of Section 452 of the CrPC, it was incumbent upon the learned Trial Court to pass appropriate orders regarding the disposal of the seized contraband as well as the disposal or confiscation of the vehicle involved. However, no such direction appears to have been issued in the impugned order.

11. Accordingly, it is directed that the seized contraband shall be disposed of forthwith, strictly in accordance with law and relevant statutory provisions. Insofar as the vehicle involved in the offence is concerned, the Trial Court shall initiate appropriate proceedings for its disposal or confiscation, as may be warranted in law, and ensure that such proceedings are concluded expeditiously.



12. In compliance with the provisions of Section 437-A of CrPC¹³, the accused is directed to furnish a personal bond in the sum of ₹25,000/- with one surety of like amount, in the event any appeal is filed against this judgment, and the bond must contain a promise that in case any appeal is preferred before the Hon'ble Supreme Court within 6 months, he shall ensure his appearance before the appropriate court, or, otherwise directed by the Hon'ble Apex Court. The bond shall remain in force for a period of six months only from the date of this order.

13. The appellant is acquitted of all the charges levelled against him and he shall be released forthwith, if not required in any other case.

14. Record be sent back.

(FARJAND ALI),J

1-Mamta/-

¹³ Corresponding to Section 481 of the BNSS.