

In the court of 3rd Additional Sessions Judge, Purnea.

Spl. NDPS -03/2023

C.I.S No. -03/2023

Date:- 04-07-2023

By this order one petition u/s 227 Crpc. Dated 06.05.2023 filed on behalf of accused Suman Saurabh @ Sajjan is disposed off.

The petitioner has submitted that the present case is u/s 8(c)21(b) of N.D.P.S. Act against the present petitioner and other accused persons. The informant has submitted that on 10.11.2022 he along-with other police personal conducted raid at Koshi colony and apprehended seven accused persons including the present petitioner and in front of independent witness made search. The informant has submitted that he recovered seven gram smack from the pocket of Kunal Kumar Paswan and 11.50 liter of foreign liquor from the quarter of Subham Saurabh @ Sajjan. The informant has also submitted that regarding recovery of foreign liquor a separate case under excise act has been filed and the present case has been filed under N.D.P.S. Act. The Ld. Counsel for the petitioner has submitted that no smack or drugs has been recovered from this petitioner and so, prayer has been made for

discharge from the present case registered u/s 8(c) 21(b) of NDPS Act.

The Ld. Counsel for state has not filed any rejoinder and has only opposed the present petition.

Submission heard. Perused the case record.

In the present case the informant has recovered brown sugar and foreign liquor from the possession of accused persons and all the seven accused persons have been arrested at the same time and at same place. One of the co-accused Kunal Kumar Paswan from whose pocket seven gram brown sugar has been recovered has stated before the informant that he had purchased brown sugar from one Rohit Uraon for Rupees 12,000/- and all the seven accused persons make puriya and sell the same. He has also stated that they had assembled at the quarter of Suman Saurabh to make puriya. Perusal of the case diary shows that there is sufficient material to frame charge against the present accused under NDPS Act. It is settled principle that at the time of framing of charge meticulous examination of evidence is not required. Hence, the present petition is dismissed.

Put up for framing of charge on 14.07.2023.

Dictated

Sd/-

(Rachna Shrivastava)

3rd Addl. Sessions Judge, Purnea.