

**SC No.99/2021**

**FIR No. 368/2020**

**PS Timar Pur**

**State v. Ravi Thakur etc.**

**05.07.2022**

**Present:** Mr. Balbir Singh, Additional Public Prosecutor for State with IO Inspector Chaitanya Abhijeet.

Accused Satinder @ Sachin on bail in this case but in JC in some other case produced from Muradabad Jail, UP, with proxy counsel Ms. Sahlu Dhama.

Accused Harvir Giri produced from JC and accused Mohd. Haider on bail, with counsel Sh. Jitender Kumar.

Accused Ravi Thakur produced from JC, with counsel Sh. Nikhil Tyagi.

Accused Sonu Chaturvedi is Proclaimed Person.

Today case is fixed for order on charge.

Learned Additional Public Prosecutor for state has submitted that there are sufficient material available on record to frame charge for the offence under section 20 of NDPS Act against two accused persons, namely, Ravi Thakur and Harveer Giri; for the offence under section 29 of the NDPS Act against four accused persons along with accused Sonu Chaturvedi (proclaimed person); for the offence under section 25 of the NDPS Act against two accused persons, namely,

Harveer Giri and Mohd. Haider, and therefore, charge may be framed against them accordingly.

On the other hand, learned counsel appearing for the accused Ravi Thakur submitted that accused Ravi Thakur was picked up by the police on 23.10.2020 from his village and his arrest was shown on 24.10.2020. The CDR of the mobile phone of said accused was obtained upto 22.10.2020, however, the applicant was arrested on 24.10.2020 and thus the CDR of until the arrest of the accused was required to be obtained by the prosecution. It is clear that prosecution has not come to the Court with clean hands. The CDR and location of the phone from period 23.10.2020 to 24.10.2020 had deliberately produced details only up to 22.10.2020. There is no compliance of Section 50 of the NDPS Act and Section 100 of the Code of Criminal Procedure, 1973 (in short 'CrPC'). There is no ground to frame charge against the said accused and therefore, he may be discharged and application under Section 227 CrPC moved by the accused Ravi Thakur may be allowed.

Learned counsel for the accused Haider and Satender submitted that there is no material against the said two accused persons. The telephonic conversation cannot be considered unless there are material against the accused persons.

Learned counsel for the accused Harveer Giri submitted that search was not conducted as per law. There is no compliance of

section 50 of the NDPS Act.

Case of the prosecution is that on 24.10.20 at around 3.15 pm HC Deepak Kumar presented one secret informer before SI Naresh Kumar in his office at Special Cell, North District, Maurice Nagar, Delhi who informed that three persons namely Harveer, Ravi and Sachin, residents of Uttar Pradesh together after procuring Ganja from Malkan Giri, Odisha supply in different parts of Delhi and Uttar Pradesh and on that day in between 5 pm to 6 pm they would be coming concealing Ganja in a white colour Mahindra Xylo car bearing no. UP 16DT1019 which is driven by Harveer to supply to someone along the outer Ring Road towards Timarpur, Nirmal Hriday near Wazirabad Flyover, Delhi and can be apprehended with Ganja if timely raid is conducted. The secret information was reduced into writing vide DD No. 9 at 3.45 pm and was forwarded to ACP/Operation Cell, North in compliance with Section 42 of the NDPS Act, a raiding party was constituted.

It is further case of the prosecution that SI Naresh Kumar along with raiding party and secret informer and keeping with IO bag, field testing kit, electronic weighing machine etc. left for spot vide DD No. 10 at 04.15 pm in two vehicles and at about 4.35 pm reached at Outer Ring Road, Nirmal Hriday, Near Wazirabad Flyover and parked the vehicle at around 4.45 pm some 100 meters ahead of the carriage way near police chowki Maznu Ka Tila. At about 4.55 pm secret

informer pointed out one Mahinder Xylo car without bumper coming from the side of ISBT, Kashmere Gate as the same vehicle in respect of which information had been given. At around 5 pm, said white colour Mahindra Xylo, registration number of which was visible on the number plate at the rear side as UP16DT1019. Said vehicle stopped some 100-150 meters ahead of Nirmal Hirday near Wazirabad Flyover on the road towards Timarpur. Two boys came out of the car looking here and there who after waiting for 10 minutes started to return to the vehicle when the raiding team parked its cars in front and back side of the Mahindra Xylo car. When raiding team intercepted the said Mahindra Xylo car, one person was sitting in the drive seat namely Harveer Giri, there was one white heavy looking katta on the seat adjacent to the driver seat. There was one person sitting in the back seat namely Ravi Thakur, with another heavy looking white katta on the seat adjacent with his left arm on the katta. Both of them were called to step out of the car and were apprehended. They were informed of their legal rights, notice under Section 50 of the Act was served upon them separately. ACP Operation Cell was telephonically called to the spot at 05.40 pm who reached at 05.55 pm and search of the accused were effected in the presence of the ACP. Nothing incriminating was recovered in their personal search. Thereafter, search of the car bearing no. UP 16 DT 1019 was conducted and two kattas were taken out of the car and were checked for its contents and were found containing total 10 packets wrapped in cello

tape. All the packets were checked for its contents and were found to contain odorous resinous grass like / leafy with seeds which from its smell and other physical properties appeared to be Ganja and when tested on the field testing kit came out to be Ganja. At 6.45 pm ACP Operation, left the spot. All the packets were weighed separately and the total weight was found to be 51.154 kg.

As per further case of prosecution, it is found during investigation that accused accused Ravi Thakur and Harveer Giri were called by accused Satender Singh @ Sachin at his village Ratanpuri, Muzaffar Nagar, Uttar Pradesh for supplying Ganja to Delhi and Ravi Thakur and Harveer Giri through car of Harvir Giri bearing no. UP 16 DT 1019 went to village of accused Satender Singh and brought the Ganja to Delhi through said car. It is also found that Accused Satender Singh bought 250 Kg Ganja in Raipur, Chattisgarh from accused Sonu and brought in his village through the truck bearing no. UP 37 AT 2850 of accused Haider resident of Suzdu, Muzaffar Nagar, Uttar Pradesh; that accused Satender Singh sent 50 Kg Ganja for supplying in Delhi through Ravi Thakur and Harveer Giri and he sold 30 Kg Ganja to Haider and further he sold Ganja to other persons also, namely, Gola of Ghaziabad and Pankaj of Haridwar.

The said truck no. UP 37 AT 2850 was recovered at the instance of accused Satinder Singh which was found registered in the name of Fariyad son of Wahid Ali, resident of Village Tatarpur, PS

Hapur Dehat, District Hapur, Uttar Pradesh. Toll tax receipts w.e.f. 16.10.2020 to 18.10.2020 of said truck were also obtained from the the present custodian of said truck, namely, Nazim, son of Abrar, resident of Village Sujru, District Muzaffarnagar, Uttar Pradesh. Further, as per the record of Transport Authority, ownership of Car No. UP16DT1019 was found registered in the name of accused Harveer Giri.

The certified copy of CDR, CAF, Cell Ids of Towers of mobile phones recovered from said five accused persons were obtained, and as per CDR, all the said five accused persons were found connected with each other.

Upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, I am of the opinion that there is ground for presuming that the two accused persons, namely, Ravi Thakur and Harveer Giri have committed an offence in relation to cannabis punishable under section 20 (b) (ii) (C) of the NDPS Act; that the four accused persons, namely, Ravi Thakur, Harveer Giri, Satinder Singh and Mohd. Haider along with accused Sonu Chaturvedi (Proclaimed Person) have committed an offence of criminal conspiracy/abetment punishable under section 29 of the NDPS Act; that accused Harveer Giri being owner of conveyance (Car no. UP 16 DT 1019) has committed an offence punishable under section 25 of the

NDPS Act also by knowingly permitting it to be used for the commission by any other person of an offence punishable under provisions of the NDPS Act; that accused Mohd. Haider being the occupier or having the control or use of conveyance (Truck no. UP 37 AT 2850) has committed an offence punishable under section 25 of the NDPS Act also by knowingly permitting it to be used for the commission by any other person of an offence punishable under provisions of the NDPS Act.

Application under Section 227 CrPC moved by accused Ravi Thakur is rejected.

Charge is framed against the accused persons accordingly. Charge is read over and explained to the accused persons, to which they have pleaded not guilty to the offence charged and claim to be tried.

**PWs cited at Sl. No. 1, 2, 10 & 11 be summoned for the next date of hearing.**

For prosecution evidence, put up on **15.07.2022.**

(Sanjeev Kumar-II)  
Special Judge (NDPS)-02  
Central District, Tis Hazari Courts, Delhi  
05.07.2022