

State Vs Jeet Ghosh
FIR NO. 02/2023
PS SRRS
CNR NO. -DLCT01-003775-2023

16.05.2023

Present: Sh Virender Singh , Ld. Addl. PP for State.
Accused is present on bail with Ld. Counsel Sh
Mohit Yadav.

Ld. Counsel for accused has forcibly argued that accused has been falsely implicated in the instant case and he deserve to be discharged in the instant case.

On the other hand, Ld. Addl PP for State has strongly opposed the submissions made on behalf of accused and submits that there are specific allegations against the accused. Accused was found in possession of 16.810 kg of Ganja therefore, offence under Section 20 NDPS Act is made out against the accused.

I have heard the submissions and I have also perused the record carefully.

It is well settled proposition of law that at this stage, the court is not required to dwell deep into the merits of the Case. The probative value of the prosecution evidence is required to be tested at the stage of trial. At this stage, the court is merely required to formulate a prima facie opinion regarding the commission of the alleged offence on the basis of material available on record.

There are specific allegations against the accused that he was found in possession of **16.810 kg of Ganja** and therefore an offence under **Section 20 Narcotics Drugs and Psychotropic Substances Act, 1985** is made out against him.

Sheoraj Singh Ahlawat v. State of U.P., reported in (2013) 11 SCC 476, the Hon'ble Supreme Court has observed that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom, taken at their face value, discloses the existence of all the ingredients constituting the alleged offence. The court is not expected to go deep into the probative value of the material on record and what needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At this stage, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.

Therefore, from the perusal of material available on record, I am of the considered view that charge for offence punishable under **Section 20 Narcotics Drugs and Psychotropic Substances Act, 1985**, is made out against the accused.

Charge is accordingly framed against accused Jeet Ghosh to which accused has pleaded not guilty and claimed trial.

Now to come up on **01.11.2023** for P.E. Witnesses be summoned for said date. Let concerned IO be summoned through concerned DCP for NDOH for clarification regarding age proof of accused Jeet Ghosh.

At this stage, an application has been moved on behalf of accused/applicant praying therein modification in condition no.-2 of bail order dated 18.04.2023 in which it is mentioned that accused/applicant shall not leave the jurisdiction

of Delhi without prior permission of this Court. It is submitted that the accused/applicant is a permanent resident of West Bengal and is currently pursuing his graduation from University of Calcutta. It is submitted that the said condition is acting very harshly against the applicant/accused and same needs to be modified.

Considering the submissions made, condition no.-2 in the bail order dated 18.04.2023 regarding prior permission to leave jurisdiction of this court, is hereby deleted. Remaining portion of the order shall remain intact.

Application stands disposed of accordingly.

Copy of order be provided dasti to accused/applicant as requested.

(Dharmender Rana)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/16.05.2023