

**FIR No. 37/2021
PS Crime Branch
State v. Dinesh @ Tinda**

Matter is taken up today for hearing through videoconferencing in terms of directions passed under the order No.67 /RG/DHC/2022 dated 11.02.2022.

22.02.2022

Present: Sh. K.P. Singh, Ld Addl. PP for State.

Sh. Deewakr Chaudhary, Ld. LAC for accused.

Accused produced from JC.

Case of the prosecution is that secret information was received by SI Ravi Saini in the office of Narcotic Cell, Darya Ganj on 05.03.2021 at 2.20 pm in respect of Dinesh resident of manju Ka Tila that he supplied heroin in Delhi in small and bulk quantity and on that date between 3.15 pm to 3.45 pm, is to come to supply heroin to someone under the flyover going from Wazirabad to Kashmere Gate. The secret information was reduced into writing vide DD No. 46A at 3pm and was put up before Inspector Rakesh Duhan for compliance of Section 42 NDPS Act. Raiding party headed SI Ravi was constituted at the directions of Sr. officer that left for the spot vide Departure entry DD No. 49A at 3.05 pm and reached near Wazirabad Flyover at around 3.25 pm. Where accused Dinesh @ Tinda was spotted by the secret information standing near Nirmal Hirdaya Home wearing black colour T-shirt and Grey colour jeans, upon which he was apprehended at around 3.40 pm. He was informed of his rights under Section 50 of the NDPS Act and the written notice in this regard was served upon

him. The accused refused for his personal search in the presence of Gazetted Officer of Magistrate and wrote his refusal in his own hand on the carbon copy of notice under Section 50 of the Act, in Hindi and signed the same. At around 4 pm, SI Ravi called ACP Narcotic Cell Sanjeev Kumar to the spot at this ACP Sanjeev Kumar reached the spot at 4.55 pm. Personal search of the accused thereafter was conducted in the presence of said Gazetted Officer and from the left side pocket of the wearing jeans pant of the accused, on polythene was recovered containing light brown colour powder with its mouth secured with rubber band and when testing on the field testing kit was found to be heroin weighing 300 grams. Accused has disclosed the source as one "Vicky who as joined in the investigation and filed anticipatory bail application that was dismissed on 22.08.2021 and is now absconding and supplementary chargesheet shall be filed in respect of the source as and when he is apprehended. Samples were drawn on 08.03.2021 before the Magistrate concerned in compliance of Section 52A proceedings under NDPS Act and sent to FSL on 10.03.2021. FSL report dated 28.12.2021 is filed subsequently on 11.02.2022. copy of the same is supplied to the accused in Court today.

From the material available on record, prima facie case for charge under Section 21 (c) NDPS Act is made out against the accused.

Let charge be farmed accordingly.

(Neelofer Abida Perveen)
SpecialJudge-02, NDPS/

ASJ, (Central), THC / Delhi
22.02.2022

Present: As above.

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

Witnesses cited at Sl. No. 4, 6, 7, 9 & 10 be summoned for 25.04.2022.

Ld. LAC submits on the instructions of the accused that the contents of the proceedings under section 52A of the Act, without prejudice to the rights of the accused in the present trial, are not disputed and witness cited at Sl. No.11 to prove the record in respect of Section 52A of the Act is not to be cross-examined on any aspect in respect thereof. Separate statement of the accused under Section 294 CrPC is recorded to this regard. Accordingly, witness at Sl. No. 11 is dispensed with. The proceedings under Section 52A of the Act dated 08.03.2021 is **Ex PX**.

For prosecution evidence, put up on **25.04.2022**.

(Neelofer Abida Perveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC / Delhi
22.02.2022