

4 SC 686/2025
STATE OF DELHI Vs. MUSTAFA RAZA AND ORS
FIR NO.117/2025
PS Darya Ganj

01.06.2026

Present: Sh. K. P. Singh, Ld. Addl. PP for State.
Accused namely Mustafa Raza produced from JC.
Ms. Vrinder Kaur, Ld. Counsel for accused namely Mustafa Raza.
Accused namely Akshay is absent.
Sh. Deepak Ghai, Ld. Counsel for accused namely Akshay.
IO/SI Pankaj Kumar in person.

Matter is fixed for consideration on point of charge.

Submissions have been advanced by Ld. Additional PP for the State as well as on behalf of accused.

Ld. Counsel for accused namely Mustafa Raza submits that the accused has been falsely implicated in the subject FIR and that the alleged recovery has been planted upon the accused. It has been submitted on behalf of the said accused that the alleged seizure proceedings of the recovered contraband have been conducted in violation of the mandatory provisions, governing the conduct of such proceedings. On the said grounds, prayer has been made for discharge of the accused namely Mustafa Raza.

At the same time, Ld. Counsel for accused namely Akshay submits that the accused was the driver of the zoom car, from which, the alleged recovery of contraband was made. It was submitted on his behalf that the accused is a student and that he has no relation to the alleged crime pertaining to illegal

trafficking of drugs. It was argued on his behalf that he was not aware regarding the contents of the boxes, allegedly recovered from the car, which belonged to the passenger i.e. co-accused namely Mustafa Raza. On the basis of the same, prayer was made for discharge of accused namely Akshay.

It was also argued on behalf of the accused persons that charge in respect of Section 25 of the NDPS Act cannot be framed even if, the case of the prosecution is accepted at its face value. He submits that the accused namely Akshay was himself the driver/having control of the said vehicle from which, the recovery of alleged contraband was made and once, charge u/s 22(c) of NDPS Act is framed against the driver/the person having control of the vehicle, no charge U/s 25 of the NDPS Act is permissible to be framed against the driver/person having the control of the said vehicle.

On the other hand, Ld. Additional PP for State submits that there is enough material on record to frame charges against the accused persons in respect of the offences punishable under Section 22(c) and Section 29 of Narcotics Drugs & Psychotropic Substance Act, 1985.

Submission heard. Record perused.

The arguments raised on behalf of the accused persons, are matter of trial and cannot be considered at this stage. There is enough material on record to frame charge in respect of Section 22(c) of the NDPS Act and Section 29 r/w section 22(c) of NDPS Act against both the accused persons.

However, section 25 of the Act has no applicability

to the facts of the subject FIR as section 25 only punishes the driver/person having control of a vehicle, who knowingly permits some other person to use the same for commission of the offence, punishable under NDPS Act. In the instant case, the accused namely Akshay himself has been alleged to have committed the offence punishable U/s 22(c) NDPS Act, on the premise that he alongwith co-accused were part of conspiracy for commission of offence, punishable under NDPS Act and that the alleged recovered contraband was recovered from joint possession of both the accused persons including the driver/person having control over the vehicle i.e. accused namely Akshay. Thus, no charge U/s 25 NDPS Act can be framed against either of the accused persons. Reliance in this regard can also be placed on the law laid down by Hon'ble High Court of Delhi, in case titled as Sheetal Vs. State (GNCTD, Crl Appeal No. 1181/2017).

Consequently, let charges under section 22(c) and section 29 r/w section 22(c) of Narcotics Drugs & Psychotropic Substance Act, 1985 be framed forthwith against both the accused persons, to which they plead not guilty and claim trial.

In view of the same, let the witnesses mentioned at Sr. No.1 & 2 alongwith MHC(M) with case property be summoned for NDOH.

To come up for PE on **18.08.2026**.

(PUNEET NAGPAL)
Special Judge (NDPS),
Central, THC, Delhi/01.06.2026