

**IN THE COURT OF ASJ/SPECIAL JUDGE/NDPS
PATIALA HOUSE COURTS, NEW DELHI**

Presided by: Sudhir Kumar Sirohi, DHJS

SC No. 06/22

FIR No. 172/2021

PS Special Cell

State Vs. Rizwan Ahmad & Ors.

13.01.2025

ORDER ON CHARGE

Present: Sh. Akhand Pratap Singh, Ld. SPP for State
alongwith IO SI Sandeep Lakhera.
Mr. Shadman Ali and Ms. Ishita Sinha, Ld. counsels
for accused Manjeet Singh Manna and Lovejeet
Singh Labba.
Mr. Amit Gupta, Ld. counsel for accused Prabhjit
Singh.
Mr. S. A. Khan, Ld. LAC for accused Hazrat Ali and
counsel for accused Gurjot Singh.
Mr. Puneet Rathore, Ld. counsel for accused
Hardeep and Gurjeet (through VC)

Brief facts of the case are that on the basis of secret information on 05.07.2021, on the same intervening night accused Rizwan was apprehended at Ghitorni, Delhi while he was on vehicle bearing no. DL 12SP 1160 and from the dicky of the vehicle, there is recovery of 1.17kg of heroin, thereafter, on the disclosure of accused Rizwan, accused Gurpreet and Gurjot were apprehended at Sector-65, Faridabad, Haryana. From the vehicle of accused Gurpreet bearing no. UP 15CW 6969, there is recovery of 168.5kg of heroin and from the vehicle of Gurjot bearing no. DL 10CK 0539, there is recovery of 116kg of heroin, thereafter on the instance of Gurpreet and Gurjot, from the flat

no. 402, NSG CGHS Ltd, Sector-65, Faridabad, there is recovery of 75kg of heroin.

Accused Rizwan further disclosed about accused Hazrat and accused Hazrat was apprehended from Village Jharsa, Gurugram. From the possession of accused Hazrat, there is recovery of 1.99kg of heroin from 08.07.2021. Thereafter at the instance of accused Hazrat and Rizwan, search was conducted at H. No. 182, Ghitorni, Delhi and from the said house, there is recovery of two containers of Hydrochloride acid, one container of liquid Ammonia and one container of Dextromethorphan which are used in preparation of heroin. Thereafter on the disclosure of accused Gurpreet and Gurjot, accused Ramandeep was apprehended from Biyas, Amritsar and at the instance of accused Ramandeep, there is recovery of 210gm of heroin on 01.08.2021. Thereafter accused Ramandeep disclosed about the accused Navpreet/handler (not arrested yet) and factory at Rajpura, documents of Navpreet recovered from the possession of accused Ramandeep. Accused Gurpreet and Gurjot disclosed about the Shivpuri factory and on their disclosure, accused Hardev, Manjeet and Prabhjeet were arrested from Taluja jail, Maharashtra as they were arrested in DRI matter of Mumbai w.r.t. recovery of contra-band from Shivpuri. The I-phone for use in the syndicate was provided by accused Ramandeep to Gurpreet and Gurjot and the said I-phones have been recovered from Gurjot and Gurpreet. Accused Hardev, Manjeet and Prabhjit are part of narcotic syndicate as per investigation, there is financial transaction of Rs 2,80,000/- of accused Hardev Singh with accused Lovejit and godown of Shivpuri from where heroin was taken on rent by accused Manjeet Singh, there is statement

of owners Mr Gopal and Mr Jitender Shiv Hare to that effect that the same was taken on rent by Manjeet and rent was paid by Lovejit @ Labba and Manjeet @ Manna. Accused Prabhjit Singh imported the contra-band into India and deposited the money in cash from Shivpuri in the account of Sandhu Export. Thereafter, on completion of investigation, charge-sheet was filed and after that supplementary charge-sheet was filed qua accused Manjeet @ Manna and Lovejit @ Labba.

Ld counsel for accused Rizwan argued on charge as well as on bail application of accused Rizwan and submitted that no independent witness has been joined, there is no CCTV footage and recovery has been shown from the scooter of 1.17kg of heroin and not from the possession of accused, the same has been planted upon accused and chemical composition of heroin which was allegedly recovered from accused is totally different from the chemical composition of other heroin recovered in this matter.

Ld counsel for accused Hardev submitted that there is only disclosure against accused with one transaction of Rs 2,80,000/- with accused Lovejit dated 16.04.2021 and it has not been explained how the said transaction related to the drugs recovered in this matter, therefore, prays for discharge of accused.

Ld counsel for accused Manjeet argued that except disclosure, statement of accused and co accused persons along with statement of Mr Jitender Shiv Hare and Mr Gopal Shiv Hare, there is nothing on record to show that accused is a part of narcotic syndicate, no recovery has been effected from accused nor there is any financial transaction of accused or CDR

connectivity with any of the accused persons therefore prays for discharge of accused.

Ld counsel for accused Prabhjit argued that there is only disclosure statement of accused and co accused persons and it has not been explained by the prosecution how the consignment of heroin can be related to accused Prabhjit, there is no CDR connectivity or location of the accused Prabhjit with any of co accused. It is further argued that it has not been explained by the prosecution that how the payment in the account of accused from Shivpuri is related to present case, therefore, prays for discharge of accused.

Ld counsel for accused Manjeet @ Manna and Lovejit argued that there is only disclosure statement against accused persons, there is no CDR connectivity of accused persons with any of co accused nor there is any location of the accused Manjeet @ Manna or Lovejit with any of co accused, no recovery has been effected from accused persons and there is only statement of Mr Gopal and Mr Jitender Shiv Hare against accused persons. It is further argued that it is not explained by the prosecution how the transaction of Rs. 2,80,000/- by accused Hardev in the account of accused Lovejit is related to the contra-band recovered in this matter, therefore, prays for discharge of accused.

Ld counsel for accused Ramandeep argued that there is alleged recovery of 210gm of heroin from accused and accused cannot be connected to the other recoveries in the matter.

Ld counsel for accused Gurpreet, Hazrat Ali and Gurjot submitted that accused persons have been falsely implicated in this matter.

Submissions of all parties heard.

On 06.07.2021 from Ghitorni, Delhi, accused Rizwan was apprehended with vehicle bearing no. DL 12SP 1160 and from the dickey of the vehicle, there is recovery of 1.17kg of heroin, therefore, there is prima facie sufficient material on record to frame charge u/s 21 (c) (for possession of 1.17kg of heroin) and section 25 NDPS Act against accused Rizwan.

After that, on the disclosure of accused Rizwan, accused Gurpreet was apprehended along with vehicle bearing no. UP 15 CW 6969 and there is recovery of 168.5kg of heroin from the said vehicle, accused Gurjot was apprehended with his vehicle bearing no. DL 10CK 0539 and from the vehicle, there is recovery of 116kg of heroin, both were apprehended at sector-65, Faridabad, Haryana and thereafter on joint disclosure of both the accused Gurpreet and Gurjot, there is further recovery of 75kg of heroin from flat no. 402, NSG, CGHS Ltd., Sector-65, Faridabad, Haryana, therefore, there is prima facie sufficient material on record to frame charge u/s 21 (c) (for possession of 168.5kg and 116kg of heroin respectively) and Section 25 NDPS Act separately against both accused Gurpreet and Gurjot and Section 21 (c) r/w section 29 NDPS Act for conspiracy, possession of 75kg of heroin from the flat no. 402, NSG, CGHS Ltd., Sector-65, Faridabad, Haryana (against both accused).

Thereafter on disclosure of accused Rizwan, accused Hazrat was apprehended from village Jharsa, Gurugram and from the possession of accused Hazrat, there is recovery of 1.99kg of heroin on 08.07.2021 thereafter on the disclosure of accused Hazrat and Rizwan, search was conducted at H. No. 182, Ghitorni, Delhi and from the said house, there is recovery of two

containers of HCL acid and one container of Dextromethorphan (In the FSL report the same is found to be diacetylmorphine) which are used in preparation of heroin, therefore, there is sufficient material on record to frame charge u/s 21 (c) NDPS Act against accused Hazrat for possession of 1.99kg of heroin and 21 r/w 29 NDPS Act against both the accused Rizwan and Hazrat (for container of diacetylmorphine however the weight of container of Dextromethorphan were not measured).

On the disclosure of accused Gurjot and Gurpreet, accused Ramandeep was apprehended from Bias, Amritsar Punjab and from possession of accused Ramandeep, there is recovery of 210gm of heroin, therefore, there is sufficient material on record to frame charge for poThe IMEI number of Apple iPhone phones are 356780115888221 and 356780115907765. ssession of 210gm of heroin u/s 21 (b) of NDPS Act against the accused Ramandeep.

Two Apple iPhones were seized from the possession of the accused, Gurpreet Singh, on July 6, 2021, at the time of his arrest. The IMEI numbers of Apple iPhone phones are 356780115888221 and 356780115907765. As for the other Apple iPhone with IMEI No. 356787116990260 and 356787116974538, Gurpreet Singh disclosed that this particular iPhone was provided to him by the accused, Ramandeep Singh.

In his disclosure statement, the accused, Ramandeep Singh, has revealed that he used an Apple iPhone to establish contact with other members of their drug network. The accused, Ramandeep Singh, had also disclosed to using his iCloud ID, brar000777@icloud.com, for communication with other individuals in their network. Specifically, he communicated with

Navpreet Singh, known as Nav, on iCloud ID aceoffspades@icloud.com, with Gurjot Singh on iCloud ID baba000888@icloud.com, and with Gurpreet Singh on iCloud ID honey000888@icloud.com. Subsequently, he passed on this Apple iPhone to the accused, Gurpreet Singh.

The aforementioned information was subsequently substantiated and confirmed by the Cert-In report, which discovered the Apple iCloud ID. brar000777@icloud.com, on the Apple iPhone with IMEI No. 356787116990260 and 356787116974538, retrieved from the possession of the accused, Gurpreet Singh.

From the possession of accused Ramandeep, a used cheque book of Axis bank bearing account no. 918010087065517 were recovered and the said account was registered in name of accused Navpreet Singh, election ID card of Navpreet Singh, PAN Card and Aadhar Card of Navpreet Singh were also recovered from possession of Ramandeep and several calls were made from the iCloud account of Ramandeep to the iCloud account of Navpreet alongwith incriminating chats between accused Ramandeep and Navpreet and also with accused Gurpreet.

The amount of Rs. 2,80,000/- was credited in the account of accused Lovejeet Singh from the account of accused Hardev Singh on 16.04.2021 i.e. before the recovery of contra-band in this matter on 05.07.2021.

Accused Prabhjit Singh holds the import/export certificate in name of Sandhu Exports and the contra-band was imported on his IEC to Navi Mumbai Port and the contra-band was kept at warehouse at Shivpuri Madhyapradesh. The location

of accused Hardev, Gurjot, Gurpreet and Ramandeep were found of Shivpuri. Statement of Mr. Jitender Shiv Hare and Mr. Gopal Shiv Hare are on record w.r.t. godown at Shivpuri Madhya Pradesh stating that rent agreement was in name of accused Manjeet Singh with Jitender Shiv Hare and the rent was paid by accused Manjeet Singh, Lovejeet Singh @ Labba and Manjeet Singh @ Manna and from the said godown at Koloras District Shivpuri Madhya Pradesh on the instruction of accused Manjeet Singh, Lovejeet Singh and Hardev Singh this contra-band were loaded in the car of Gurjot Singh and Gurpreet Singh. Mr. Jitender Shiv Hare and Gopal Shiv Hare also identified accused Manjeet Singh @ Manna and Lovejeet Singh @ Labba. Therefore, there is sufficient material on record to frame charge u/s 21 (c) r/w 29 NDPS Act against the accused Rizwan, Gurpreet, Gurjot, Hazrat Ali, Ramandeep, Hardev Singh, Manjeet Singh, Prabhjeet Singh, Manjeet Singh @ Manna and Lovejeet Singh @ Labba for import, possession and transport of 1.17kg, 168.5kg, 116kg, 75kg, 1.199kg, 210gm and one container of diacetylmorphine.

Accused Lovejeet Singh @ Labba got fake passport bearing no. W8801951 prepared in name of Harman Singh from the regional passport office Lucknow, therefore, there is prima facie material on record to frame charge against accused Lovejeet Singh @ Labba u/s 467/468 IPC and Section 12 of Passport Act.

Vide order dated 16.02.2022 accused Lovejeet Singh @ Labba, Manjeet Singh @ Manna and accused Diljeet Singh (not arrested yet) and Navpreet Singh (not arrested yet) were declared proclaimed offender, therefore, there is prima facie

sufficient material on record to frame charge u/s 174-A IPC against Lovejeet Singh Labba and Manjeet Singh @ Manna.

Vide separate order bail application of accused Rizwan also disposed off.

List for framing of formal charge on **03.02.2025**.

(Sudhir Kumar Sirohi)
ASJ/Spl. Judge, NDPS/N. Delhi
13.01.2025