

NCB Vs. Jascent Nakalungi & Ors.
Case No. SC/187/21

27.04.2022

Present: Sh. Mukesh Malik, SPP for NCB.

All accused produced from JC.

Ms. Mamta Wadhwa, Ld. Counsel for accused Kingsley.

Sh. A.K. Sahu, Ld. LAC for accused Jascent Nakalungi.

Sh. J.S. Kushwaha, Ld. Counsel for accused Sharifah
Namaganda.

Arguments on charge heard.

Brief facts of the case are that on 27.01.2021, upon receiving a secret information that accused Jascent Nakalungi and Sharifah Namaganda having Uganda national passport travelling by Air Arabia Airways arriving at IGI Airport on 28.01.2021 suspected to carry narcotic drugs, a raiding party was constituted and from the bag of accused Jascent, 4 kg of heroin and 560 gm cocaine was recovered and from the bag of accused Sharifah, 4 kg of heroin and 510 gm of cocaine was recovered. During preliminary inquiry accused Jascent Nakalungi disclosed that she was going to deliver both the baggages to one person having mobile no. 8929857072, thereafter the NCB team proceeded to the pastry place at Vikaspuri alongwith both these accused. After reaching there, accused Sharifah called on the said mobile number for delivery of baggages then accused Kingsley came to take the delivery thereafter, apprehended.

Ld. Counsel for accused Kingsley submitted that there is no recovery from accused Kingsley and accused Kingsley was also not in contact with co-accused persons. It is only after the apprehension of co-accused, the call was made to present accused. This accused was not in contact with co-accused persons prior to apprehension therefore, no offence is made out qua him.

Ld. Counsel for accused Jascent Nakalungi and Sharifah submits that the entire recovery is false and fabricated and accused are falsely implicated in this case.

Ld. SPP submits that there is recovery of commercial quantity of contraband from accused Sharifah and Jascent Nakalungi. Both the accused disclosed that this contraband was to be delivered to the person having mobile no. 8929857072 pursuant to which the accused Kingsley came to take the delivery and therefore, apprehended. Ld. SPP submits that prima facie offence u/s 21(c)/23(c) r/w section 29 is disclosed. Charge be accordingly framed against accused persons.

Heard. It is settled law, at the stage of charge, the court has to see only the prima facie case, not to adjudge the probative value of material on record. Accused Jascent Nakalungi and Sharifah apprehended with commercial quantity of contraband to be delivered to accused Kingsley. Accused Kingsley was apprehended when he came to take the delivery therefore, prima facie offence u/s 8, 21(c)/23(c) r/w section 29 NDPS Act is made out. Charges have accordingly been framed to which accused persons plead not guilty and claim trial.

List this case for PE on 16.07.2022.

(Ajay Kumar Jain)
ASJ/Spl. Judge, NDPS/N. Delhi
27.04.2022