

NCB Vs. Lalan Chaudhary
Case No. SC/130/18

05.09.2018

Present: Sh. Sh. Mukesh Malik, SPP for NCB.

Accused produced from JC.

Ms. Archana Mishra, Ld. counsel for the accused.

Arguments on the point of charge and also on the application for bail filed on behalf of the accused heard.

As per the case of the prosecution, on 29.03.2018 at 1730 hours Sh. Anand Kumar, IO NCB received secret information that one person namely Lalan Choudhary aged about 30 years, height medium, thin built working in City Land Travel as helper on bus no. PB 01B 6030 is transporting charas for drug trafficking and that he collected charas from drug trafficker on 29.03.2018 from Bhunter and will handover the same near Jagatpur parking in Jagatpur village, Delhi in the early morning on 30.03.2018 on arrival at Delhi and search may lead to recovery of charas. A raiding team was constituted and surveillance was mounted near Jagatpur parking and it came to know that the abovesaid bus come from Himachal Pradesh would arrive and parked in the said parking at about 10000 hours. At about 1030 hours the bus arrived at parking gate and one person of similar identity got down from the bus. He disclosed his name as Lalan Choudhary. During the search, one black colour polythene containing 120 gm was recovered from the right side pocket of his pant. On enquiry he disclosed that the said contraband was handed over to him by Kashi at Bhunter and was to be handed over to some person who was to come outside the parking.

Ld. counsel for the accused however has vehemently contended that the accused has been falsely implicated in the present case and that no

recovery was effected from him. She further submitted that both public witnesses namely Pushpender Tyagi, owner of the travel agency and Satish Kumar, driver of the bus from which the accused was allegedly apprehended on the date of incident are giving different dates of reaching the said bus in Delhi. The owner has stated that the bus had reached Manali on 29.03.2018 and returned back on 30.03.2018 whereas the driver namely Satish Kumar states that the bus reached Manali on 30.03.2018. She further submitted that no further inquiries in regard to accused Kashi from whom the accused has allegedly received the contraband has been done and further investigation qua accused to whom the alleged contraband was to be supplied has not been made. She further submits that the accused has never been involved in any other case and has clean antecedents.

Ld. SPP however submits that there are clear allegations of recovery of 120 gm of charas from him on the date of incident.

From the abovesaid discussion and the arguments coming up on record, I am satisfied that prima facie there is a case for framing of charges u/s 20 NDPS Act against the accused however as the recovery from the accused is of intermediate quantity, the embargo of section 37 NDPS Act is not applicable. Accused has already remained in custody for more than 5 months now and there is no other involvement of the accused brought on record. Hence, the accused is admitted to bail on his furnishing personal bond in the sum of Rs. 1 lac with two sureties of like amount.

Put up for formal framing of charge on 26.10.2018.

(Sudesh Kumar II)
Spl. Judge, NDPS/N. Delhi
05.09.2018