

SC No. 314/22
NCB Vs. Hoti Lal Pandey & Anr.

20.07.2022

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

Both the accused persons are produced from JC.

This complaint has been filed by a public servant, Sh. Sachin Kumar, Intelligence Officer Narcotics Control Bureau, in discharge of his official duties. he has moved an application for dispensing with his preliminary examination and for his exemption from personal appearance on the ground that he remains busy in official duties and it is not possible for him to attend the court on each and every date of hearing and that he be therefore allowed to be represented through the Special PP. In view of the submissions made, the preliminary examination of the complainant is dispensed with and he is exempted from personal appearance during trial.

It is the case of the prosecution that on 19.01.2022 on the direction of Director General of NCB for the controlled delivery of a parcel Airway bill no-1Z0559A50466482570 suspected containing to Narcotics Drugs was carried out, during the search of said parcel 760 grams of Heroin was recovered at UPS express pvt ltd dcsc cargo terminal 3 Next to Haj terminal, Air cargo complex IGI airport new Delhi. and the recovered contraband was seized as per law detailed in the Panchnama in presence of the independent witness and was taken into safe custody. From the documents pertaining the parcel it was revealed that the said parcel was destined to the accused Hoti Lal Pandey. It is further the case of the prosecution that on 21.01.2022, during controlled delivery operation a dummy parcel was prepared and the said controlled delivery parcel was received by the present accused Hoti Lal Pandey at his residence through the Courier official at House no- N-36, Shree Radha Florence, Vrindavan, Mathura, Uttar Pradesh. During the course of inquiry accused Hoti Lal Pandey tendered statement under section 67 of the NDPS Act wherein he

admitted his involvement in the commission of offence and he was arrested on 22.01.2022. In his statement he informed that the parcel in question was to be delivered to the accused Peterson Zumba. During the course of investigation accused Peterson Zumba was apprehended at the instance of the accused Hoti Lal Pandey and Peterson Zumba tendered his statement wherein he admitted his involvement in the commission of the offence. On the basis of the recovery of 760 Grams of Heroin from the parcel and the statements of the Hoti Lal Pandey & Peterson Zumba, accused Peterson Zumba was arrested in the present case.

It is further the Case of the prosecution that during the house search of accused Peterson Zumba 830 grams of Heroin, a commercial quantity, some documents, mobiles and laptop were recovered and the same were taken into possession for further investigation. Chemical analysis report of the samples and the remnants of the samples were received from CRCL, New Delhi vide report F. No. 1/ND/R/2021/CLD 2515(N)-2571 (N) dated 28.03.2022. As per report sample marked as A-1 & B-1, the samples under reference answers positive test for Diacetylmorphine (Heroin), along with 6-Monoacetyl morphine, Acetyl codeine, Dextromethorphan and caffeine and sample marked as D-1 Positive for Diacetylmorphine (Heroin), along with Acetaminophen and Caffeine.

Ld. SPP submits that both the accused persons are part of a large conspiracy involved at international level in illegal trafficking of drugs and acting under the conspiracy they imported 760 Grams of Heroin, a commercial quantity into India and further 830 Grams of Heroin. a commercial quantity was recovered from the House of the accused Peterson Zumba and thereby committed an offence under section u/s 8, 21, 23, 29 of NDPS Act and within the cognizance of this Court.

I have perused the complaint and the documents filed.

In the considered opinion of this Court, the material on record is sufficient to take cognizance of the offences punishable U/s 8, 21, 23, 29

of NDPS Act.

I take cognizance of the offence.

Copy of complaint along with documents supplied to accused persons present in the court today.

Accordingly, list this case for scrutiny of documents/arguments on charge on 08.08.2022.

(Ajay Kumar Jain)
ASJ/Spl. Judge, NDPS/N. Delhi
20.07.2022