

**IN THE COURT OF ATUL AHLAWAT
ADDL. SESSIONS JUDGE, NDPS ACT (SPECIAL JUDGE)
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

SC No. 22/2025

Crime No. VIII/26/DZU/2024

NCB Vs. AMAR THAKUR & ORS.

20.12.2025

Order

1. Vide the present order, I shall decide the application moved by the NCB seeking bringing on record the amended list of witnesses to be examined before this Court.

2. Notice of the present application was issued to the accused persons and the Ld. Counsels for the accused persons had accepted the notice of the present application on 28.11.2025. The accused persons were granted liberty to file the reply to the present application, however, no reply was filed by the accused persons and straight-away the arguments were advanced.

3. It is submitted by Ld. SPP for NCB that the complaint in the present case was filed by the complainant Sub-Inspector Sandeep Kumar and along-with the said complaint, 21 witnesses were mentioned in the list of witnesses filed along-with the complaint. Thereafter, the complainant had filed supplementary complaint along-with the additional documents pertaining to the mobile data extraction records and the FSL result qua the handwriting samples. In the said supplementary complaint, 03 witnesses were mentioned in the supplementary list of witnesses.

4. It is further submitted by Ld. SPP for NCB that during the investigation, the IO had duly recorded the statement of independent public witness, who is the parcel booking clerk for M.Line Enterprises, Dehradun, namely Manoj Kumar Sharma, U/s 67 of the Act. Similarly, the statement of one Jitender Kumar, owner of Shree Balaji Mobile Shop, Rohtak was recorded U/s 67 of the Act. The IO had also recorded the statement of the porter vehicle driver namely Sachendera Singh and Angadiya Patel Parmal Mahendrabhai u/s 67 of the Act. The IO also got the statement of Sachendra Singh and another public witness Riya Rai recorded U/s 183 BNSS, 2023 before the Ld. JMFC. All the said statements were duly filed along-with the complaint, however, inadvertently the name of the said witnesses were not mentioned in the list of prosecution witnesses. Furthermore, the examination of the said witnesses is essential for the proper and complete adjudication of the present case. Furthermore, since the trial is yet to begin, no prejudice would be caused to the accused persons, if the present application is allowed.

5. The present application was strongly opposed by the Ld. Defense Counsels and they have all argued in unison that the prosecution through the present application is trying to fill up the lacunae in their case and no ground is made out to allow the present application at this stage.

6. Careful perusal of the records reflects that the witnesses mentioned at serial no. 1 to 13 and 21 to 27 were duly mentioned in the list of witnesses filed along-with the complaint. Furthermore, witnesses mentioned at serial no. 28 to 30 were also

mentioned in the supplementary complaint/additional list of witnesses. The NCB has collated the entries of the said list and have included them in the present amended list of witnesses. As far as witnesses mentioned at serial no. 15, 16, 18 and 19 are concerned, they all pertain to material independent witnesses. By including them, the NCB is not trying to bring in any new case and no new document is being brought on record. Their statements U/s 67 NDPS Act and statement of witness mentioned at serial no. 13 and 16 U/s 183 BNSS, 2023 was already filed along-with the complaint and the copy of the same was duly supplied to the accused persons. Furthermore, witnesses mentioned at serial no. 14 and 17 are the then Ld. JMFCs, PHC, New Delhi District, who had recorded the statements of the independent witnesses U/s 183 BNSS, 2023. Therefore, in the considered opinion of this Court, all the witnesses mentioned at serial no. 14 to 19 are material witnesses, whose testimony must be recorded for the proper, complete and just decision of the present case.

7. Therefore, the application is hereby allowed. The amended list of witnesses is taken on record. Let one more copy of the said list be supplied to the accused persons.

8. The application stands disposed of accordingly. Copy of this order be given *dasti*.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
20.12.2025