

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

Presided by: Sudhir Kumar Sirohi, DHJS

SC No. 367/2023

NCB Vs. Khalid Khan and Ors.

06.09.2024

ORDER ON CHARGE

Brief facts of the case are that on basis of information on 10.04.2023, accused Khalid Khan was apprehended when he came to collect the parcel containing 152.100 kg of ganja, therefore, he disclosed about another parcel and accused Indal Noniya, thereafter, on 11.04.2023 when the accused Indal Noniya with co accused Shiva came to collect the parcel containing 93.280 kg of ganja, they were apprehended, the contraband was supplied by accused Gagan Gaurav and was sent from Vishakhapatnam to Delhi. CRCL report is positive for Ganja.

Ld. SPP for NCB has argued that accused Khalid was apprehended when he came to receive the parcel containing 152.100kg of ganja while accused Indal Noniya and Shiva were apprehended when they came to receive parcel containing 93.280kg of ganja and ganja in question was sent by accused Gagan Gaurav. There is financial transaction of accused Gagan Gaurav with accused Khalid and Indal Noniya just before recovery in the present matter. Vishakhapatnam police arrested accused and Samsung mobile phone of accused Gagan Gaurav was seized by Vishkhapatnam police alongwith rubber stamp of Karim Safety Products, 5 fake Karim Safety Products invoice bill and the parcel in question was booked on behalf of Karim safety

by accused Gagan Gaurav and statement of Karim Safety is on record to show that they did not book the parcel and from phone of accused Khalid there is recovery of chat in which phone number of accused Gagan Gaurav was saved with 'Mb' (phone number 9676247582) and it was mentioned '*thoda supply aur badhata hu*', therefore, prays for framing of charge u/s 20(b) (ii) (C) r/w Section 29 NDPS Act.

The charge has been conceded on behalf of accused Khalid, Indal Noniya and Shiva while Ld. counsel for accused Gagan Gaurav argued that accused has been falsely implicated and financial transaction can not be attributed in the present case to contraband. The accused Gagan Gaurav was apprehended on the basis of disclosure of co -accused persons, therefore, prays for discharge of accused.

At the stage of charge, only prima facie case has to be seen, accused Khalid khan was apprehended when he came to collect the parcel containing 152.100 kg of ganja on 10.04.2023 then he disclosed about another parcel and accused Indal Nonia thereafter on 11.04.2023 accused Indal Noniya and Shiva were apprehended when they came to collect 93.280kg of ganja. Accused Gagan Gaurav is the supplier of contraband. From possession of accused Gagan Gaurav there is recovery of rubber stamp of Karim Safety Products on whose name the contraband in questions was sent to Delhi by accused Gagan Gaurav from Vishakhapattanam and even 5 fake Karim Safety Products invoices have been found from the mobile phone of accused Gagan Gaurav, there is chat between accused Khalid and Gagan Gaurav for increasing the supply, there are various financial transaction between 19.12.2022 to 03.03.2023 between accused

Khalid and Gagan Gaurav, there are various financial transactions between accused Indal Noniya and Gagan Gaurav and amount was transferred in account of Gagan Gaurav by accused Indal on 02.03.2023 then recovery was effected on 10.04.2023 and 11.04.2023, therefore, there is prima facie material on record to frame charge against accused Khalid Khan, Indal Noniya, Shiva and Gagan Gaurav u/s 20 (b) (ii) (C) r/w Section 29 NDPS Act for conspiracy of possession, sale, purchase and transport of 152.100kg + 93.280kg of ganja from Vishakhapatnam to Delhi.

List for framing formal charge on **28.09.2024**.

(Sudhir Kumar Sirohi)
ASJ/Spl. Judge, NDPS/N. Delhi
06.09.2024