

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

Presided by: Sudhir Kumar Sirohi, DHJS

SC No. 385/2023

NCB Vs. Abhishek Anil and Ors.

04.04.2025

Present: Mr. Akshay, Ld. Proxy counsel for Mr. Arun Khatri,
Ld. SPP for NCB.
Mr. Akshay Bhandari, Mr. Anmol Sachdeva and Mr.
Kushal Kumar, Ld. counsel for accused Navin
Fogat.
Mr. Manas Agarwal, Ld. counsel for accused
Vaibhav Yadav.
Mr. Lewish Edward and Mr. Vignesh, Ld. counsel
for accused Abhishek Anil.
Mr. Purvesh Bhuttan and Mr. Prateek Narwar Ld.
counsels for accused Avtar Singh.
Mr. Rohit Dandriyal, Mr. Siddharth Nair, Mr. Aditya
Dixit and Mr. Mini Agrawal, Ld. counsel for accused
Nishant Rawat.
Accused Avtar Singh from JC (through VC)
Remaining accused produced from JC.

Brief facts of the case are that on 19.04.2023, on the basis of secret information, NCB team intercepted 28 parcels at DTDC Express Limited, Khasra No. 16/6, telephone exchange road, Village Samalkha, New Delhi thereby a total of 807 LSD blots (13.47 grams) and 44.70 grams suspected to be cocaine (MDMA as per CRCL). The panchnama was prepared on the spot in the presence of independent witnesses. The sender of all the parcels was Aask and Associates, Vipul Business Park, 910 Badshahpur, Sona Road, HW1 Sec-48, Gurugram Haryana. The parcels were cut open and different number of LSD blots were

recovered. The recipients of the parcels include accused persons i.e. Abhishek Anil, Jithin Cherian, Vaibhav Yadav, Arnav Dhankar, Pritesh Agarwal and Nishant Rawat, among others. The parcels contained the phone numbers as well as the addresses of these accused persons.

As per the invoice attached with the parcel at serial no. 28 of the information, phone number and address of the accused Abhishek Anil was found and investigation proceeded whereby it was revealed that the said parcel was booked by co-accused Jithin Cherian (mobile no. 9355070163) who is a resident of Himachal Pradesh and running a cafe namely Echoes of Nature at Kasol. Himachal Pradesh. Similarly, the accused Vaibhav Yadav came to receive the parcel on 28.04.2023 having 50 LSD blots. Accused Vaibhav Yadav in his statement revealed that his friend accused Arnav Dhankar asked him to receive the LSD blots against the commission and also told him that he will be ordering the same through Darkweb. The phone number and address of Arnav Dhankar was thereafter given for receiving the parcel. Similarly, Arnav Dhankar confirmed that he and his friend Vaibav Yadav used to be the partners in the trade. Arnav used to order drugs online and deliver the same on the addresses provided by Vaibhav Yadav who has the customer base. For this drug trafficking both Arnav and Vaibhav used Instagram and also had financial transactions using money and crypto currency. In the same way, Nishant Rawat was intercepted and he disclosed that parcel containing 10 LSD blots were booked by him through Wickerme App and the payment was made to Zambada through Crypto currency. In the same way, Pritesh Aggarwal being the recipients of the parcel having address and mobile number

joined investigation and disclosed that he used to telegram app and chatted with zambada cartel. He further submitted that although he used to sell the drugs through telegram but used to place the orders through Wickerme App. The CRCL report is positive for LSD blots and the suspected cocaine was found to be MDMA.

Ld SPP for NCB filed the written sections for the charges against accused persons and submitted that all the accused may be charged for their individual recovery u/s 22 (c) as well as section 29 NDPS Act and the accused Naveen Fogat may also be charged u/s 23 (c) for importing the contra-band from outside India i.e. South Africa from drug dealer namely Dr. Sues.

Written submissions on charge have been filed on behalf of accused Mashoor Ali Wahi and Naveen Fogat.

It has been argued on behalf of accused Mashoor Ali Wahi that the parcel containing 33 LSD blots and same was on the address i.e. 4th house, Sofi Manzil, Airport road, Peer Bagh, Srinagar, J&K and accused never resided at the said address. There is no statement of owner of Bangalore to show that accused ever lived on the said address and only the mobile number and name of accused has been mentioned on the parcel, the accused is nowhere connected with the co accused Naveen Fogat and Avtar Singh therefore prays for discharge of accused.

It has been argued on behalf of accused that accused has been shown as mastermind of Zambada cartel and 28 different parcels have been recovered in this matter and there is nothing on record to connect the accused with these parcels and the parcel bearing no. Z13669456 and Z13669450 were

recovered on the disclosure statement of accused Nishant and Pritish Agarwal, therefore, there is no evidence to frame the charge against the accused.

Ld counsel for remaining accused argued that charge only for recovered quantity from individual accused maximum may be framed against accused persons and not for whole recovery in this matter as they are not part of zambada cartel.

Submissions of all the parties heard.

28 parcels destined to different accused persons were booked by accused Avtar Singh and they were recovered on 19.04.2023, total 807 LSD Blots were recovered (13.47gm) with 44.7gm MDMA were recovered.

Accused Avtar Singh booked the aforesaid parcel at the instance of accused Navin Fogat and accused Navin Fogat procured the drugs from Dr. Suess from South Africa and the financial transactions were done crypto currencies, the various parcels receipts were also found from phone of accused Navin Fogat, therefore, There is sufficient material on record to show that the accused Navin Fogat imported the contraband from outside India and the accused Avtar Singh on his directions booked the parcels for delivering to various accused persons therefore, prima facie charge u/s 22(c) NDPS Act (for the recovery of 807 LSD Blots and 44.7gm of MDMA) r/w Section 29 NDPS Act is made out against accused Avtar Singh and Navin Fogat for sale, purchase, possession and transportation of LSD Blots. Accused Avtar Singh was also found in possession of 2 LSD Blots (weight could not be measured), therefore, prima facie charge u/s 22 (a) NDPS Act is also made out against accused

Avtar Singh and 23 (c) NDPS Act is made out against accused Navin Fogat separately for importing the contra-band into India.

The parcel containing 500 LSD Blots (8.34gm bearing parcel no. V87616631) was destined to accused Abhishek Anil with his name and phone number, the accused Abhishek Anil also called accused Jithin and told him about 500 LSD Blots, other person were also sent by accused Jithin to collect the said parcel. Whatsapp chat between accused Abhishek Anil and Jithin shows exchange of photographs of drugs (page no. 567 and 571) there is also CDR connectivity between accused Abhishek and Jithin therefore, there is sufficient material on record that there was conspiracy for sale, purchase, possession and transportation of 500 LSD Blots between the accused Abhishek Anil, Jithin Cherian, Navin Fogat and Avtar Singh, therefore, prima faice charge u/s 22 (c) r/w 29 NDPS Act is made out against accused Abhishek Anil, Jithin Cherian, Navin Fogat and Avtar Singh.

The parcel containing 50 LSD Blots (0.85gm) bearing no. AWB Z13669453 was in the name of accused Vaibhav Sharma and the accused came to receive the parcel was also having phone number of accused Vaibhav Sharma bearing no. 7011798441. As per case of NCB, the accused Arnav Dhankar used to book the parcel from Dark Web and then the accused Vaibhav Sharma used to collect the parcel and sold the contraband. The chat has been recovered from the phone of accused Vaibhav Sharma and Arnav Dhankar in which they are discussing about the contraband, their quantity and price. From the phone of accused Vaibhav there is also recovery of photographs of drugs, even from the phone of accused Arnav

Dhankar there is also a recovery of photograph of drug alongwith the name of drug (page no. 703-704) and the chat with Zambada Cartel has also been recovered w.r.t. order of contraband (page no. 710) therefore, there is sufficient material on record that the accused Arnav and Vaibhav are involved in conspiracy of sale, purchase, possession and transportation of abovesaid 50 LSD Blots with accused Navin Fogat and Avtar Singh and charge u/s 22 (c) r/w Section 29 NDPS Act is made out against accused Vaibhav Yadav, Arnav Dhankar, Navin Fogat and Avtar Singh.

The parcel containing 25 LSD Blots (0.42gm) bearing AWB No. Z13669450 was in the name of accused Pritish Aggarwal with the phone number of applicant and the parcel was booked by Avtar Singh to the accused Pritish Aggarwal, therefore there is sufficient material on record that there was existence of conspiracy for sale, purchase, possession and transportation of 25 LSD Blots and charge u/s 22 (c) r/w 29 NDPS Act is made out against the accused Pritish Aggarwal, Avtar Singh and Navin Fogat.

The parcel containing 10 LSD Blots (AWB No. Z13668456) (0.17gm) was in the name and address of accused Nishant Rawat, having mobile number of mother of accused and from the mobile phone of accused Nishant Rawat there is recovery of tracking report of parcel in question, photographs of drugs alongwith their names and prices, payment receipt in crypto currency of recovered parcel and the parcel was booked by accused Avtar Singh, therefore there is sufficient material on record that there was existence of conspiracy for sale, purchase, possession and transportation of 10 LSD Blots and charge u/s 22

(c) r/w 29 NDPS Act is made out against the accused Nishant Rawat, Avtar Singh and Navin Fogat.

The parcel containing 50 LSD Blots (0.85gm) bearing AWB no. Z13669459 was in the name of accused Yash Gupta with phone number 8489764233 and his address. From the phone of the accused, the data w.r.t. contraband has been recovered, the parcel was sent by accused Avtar Singh, therefore, there is sufficient material on record that there was existence of conspiracy for sale, purchase, possession and transportation of 50 LSD Blots and charge u/s 22 (c) r/w 29 NDPS Act is made out against the accused Yash Gupta, Avtar Singh and Navin Fogat.

The parcel containing 33 LSD Blots (0.55gm) bearing no. Z13669458 was in the name of accused Mashoor Ali Wani with phone number 8825094030 and address of 4th house Sofi Manzil, Airport Road Peer Bagh, Srinagar and earlier also accused Mashoor Ali Wani has received a parcel bearing no. 1447629412 from the Zambada Cartel containing 33 LSD Blots, the parcel was sent by accused Avtar Singh, therefore there is sufficient material on record that there was existence of conspiracy for sale, purchase, possession and transportation of 10 LSD Blots and charge u/s 22 (c) r/w 29 NDPS Act is made out against the accused Mashoor Ali Wani, Avtar Singh and Navin Fogat.

List for framing of formal charge on **26.04.2025**.

(Sudhir Kumar Sirohi)
ASJ/Spl. Judge, NDPS/N. Delhi
04.04.2025