

SC No. 448/2024
Crime No. VIII/21/DZU/2024
NCB Vs Nadeem @ Rohit & Ors.

18.08.2025

ORDER ON CHARGE

1 As per order dated 26.07.2025, accused Nadeem @ Rohit had conceded to the charges levelled against him by the prosecuting agency.

2 Brief facts of the case are that based upon the secret information received by the officials of NCB on 27.06.2024 at about 4:00 pm, secret informer met Sh Manoj Kumar Yadav, Sub-Inspector, NCB, DZU, New Delhi and he informed that accused Mohd Nadeem S/o Abdul Hameed was about to come to the office of DTDC courier situated at Daryaganj, Delhi on that day between 6:00 to 6:30 pm and he would be booking certain parcels containing the contra-band. If the raid is conducted, then the accused could be caught red handed.

3 On the basis of secret information, which was reduced into writing, the matter was taken up before superintendent, NCB and Sh Chetan Sharma, Inspector, NCB, DZU was directed to constitute a team and to take appropriate action as per law. The raiding team was constituted and they reached at the said office of DTDC courier shop and mounted the surveillance. The accused Md Nadeem entered the said shop after about 20-25 minutes and the NCB team also entered inside the said shop. The accused Md Nadeem had allegedly come to book a parcel and he

had informed the officials that he had earlier booked 11 parcels through the said courier on 25.06.2024, however, he had come on that day to take them back, since the addresses were incomplete.

4 The independent public witness namely Prahlad, who was the owner of the DTDC courier shop had agreed to join the investigation and the search and seizure proceedings were carried out in his presence. The NCB officials checked the parcels and from one brown coloured cardboard box, in which there was one blue colour carbon paper wrapped on a transparent zip lock pouch was found. After opening the same, a crystal like substance was found, which was described by accused Nadeem as MD drugs. Upon checking with DD kit, it came out positive for Methamphetamine Hydrochloride and total quantity was 66.75 gms.

5 The voluntary statement u/s 67 of NDPS Act of accused Md Nadeem was recorded and he was later arrested on 28.06.2024. In his disclosure statement, he had voluntarily disclosed that he had purchased the seized contra-band from certain African nationals, however he was not aware of their addresses. He also disclosed that he had received the drugs near Vishwas Clinic, Chander Vihar, New Delhi and on 28.06.2024 he was supposed to go there for the delivery and he can identify the said person from whom he had procured the drugs. Based on the said statement, at his instance, the NCB officials reached Chandra Vihar and apprehended accused Egenti Wisdom Chibueze on 28.06.2024 and seized 86 gm of

Methamphetamine Hydrochloride, which he was supposed to deliver to accused Md Nadeem.

6 In yet another follow up, 12.93 gm of Methamphetamine Hydrochloride was recovered on 01.07.2024 from Trackon courier office situated at Delhi Gate, Delhi.

7 Accused Md Nadeem was the main distributor of the contra-band and he used to supply the same to parcels which were sent through courier companies after he used to receive money in the accounts of other persons and later on he would transfer the money in his own account. The accused Nadeem was receiving the money on the QR code sent to the receivers and also through UPI ID which was connected to the bank account of one Imran Khan, which was maintained at DBS bank.

8 As far as accused Venkata Reddy K is concerned, he was the receiver of parcel bearing DTDC AWB No. 7X6326638 containing 10.5 gm of Methamphetamine Hydrochloride, which was seized on 27.06.2024 and trackon parcel with AWB No. 200007928322 seized on 01.07.2024, containing 8.91 gm of Methamphetamine Hydrochloride. Both the said parcels were destined to his address situated at Hyderabad, Telangana. His mobile phone number were mentioned on both the parcels. He had also deposited a sum of Rs 31,000/- & Rs 37,800/- in the DBS bank account of Imran Khan, which was operated by accused Md Nadeem.

9 As far as accused Gaurav Matolia is concerned, he was the receiver of parcel bearing AWB No. 200007928178 containing 2.47 gm of Methamphetamine Hydrochloride, which was seized on 01.07.2024. The said parcel was destined to his address situated at Churu, Rajasthan. His mobile phone number was mentioned on the said parcel. He had also deposited a sum of Rs 6500/- & Rs 11,000/- in the DBS bank account of Imran Khan, which was operated by accused Md Nadeem.

10 As far as accused Pratik Goyal is concerned, he was the receiver of parcel bearing AWB No. 7X36425 seized at DTDC office, Daryaganj, Delhi containing 37 gm of Methamphetamine Hydrochloride, which was seized on 27.06.2024. The said parcel was destined to his office address situated at Indore, MP. His mobile phone number which was registered in the name of company was mentioned on the said parcel.

11 As far as accused Sayed Samir is concerned, he was the receiver of parcel bearing AWB No. 7X6326674 containing 0.82 gm of Methamphetamine Hydrochloride, which was seized on 27.06.2024. The said parcel was destined to his address situated at Bhubneshwar, Odisha. His mobile phone number was mentioned on the said parcel. He had also deposited a sum of Rs 2000/-, Rs 2000/-, Rs 1500/-, Rs 2000/-, Rs 1500/- and Rs 400/- in the DBS bank account of Imran Khan, which was operated by accused Md Nadeem.

12 It is submitted by the Ld. Counsel for accused Egenti Wisdom Chibueze that the recovery shown to be effected from

the accused was planted. The co-accused Md Nadeem had not claimed the present accused by name. It was merely mentioned that co-accused Nadeem used to procure the contra-band from one African national, however, the name and address of the present accused was not recorded in the said disclosure statement. The accused was picked up by the officials of NCB from a public area and no public witness was made to join the investigation. There were no photographs or videos taken, thereby creating serious doubts on the search and seizure proceedings. The grounds of arrest were never supplied to the present accused. No notice u/s 50 NDPS Act was given prior to the search, thereby vitiating the seizure proceedings. The disclosure statement and the apprehension of the accused at the pointing out of co-accused Nadeem is not creating grave suspicion of his involvement in the offence in question. The present accused is entitled to be discharged, since there is not enough incriminating material against him.

13 It is submitted by the Ld. Counsel for accused Venkata Reddy K that no contra-band was recovered from the possession of the present accused. No contra-band was recovered in pursuance of his disclosure statement allegedly recorded by the NCB officials. The disclosure statement of co-accused Nadeem in which he had named the present accused as one of the receiver of the parcels is having no evidentiary value in the eyes of law. Merely because the name of the present accused was mentioned as a receiver on one of the parcels is not an incriminating evidence to frame the charges against him. There is no CDR connectivity between him and co-accused Nadeem. There is no

direct financial transaction from him through co-accused Nadeem. The statutory presumptions u/s 35 & 54 of the Act are not attracted against him. The Ld. Counsel has placed the reliance on the decision of Hon'ble Supreme Court of India in '*Tofan Singh Vs. State of Tamil Nadu*', (2021) 4 SCC 1.

14 The Ld. Counsel for accused Gaurav Matolia and Sayed Samir had also raised similar grounds as taken by accused Venkata Reddy K. Furthermore, it was also argued in addition to the other grounds raised by co-accused Venkata Reddy K that merely because the parcels which were seized by NCB contained the names of the accused persons, the said circumstance is not incriminating in itself. The parcels never reached the accused persons and same were supposed to be taken back by co-accused Nadeem from the office of courier service, since the addresses were supposedly incomplete. In the facts of the present case, at best, the charges may be framed u/s 27 of the Act, since the quantity in question is small quantity and at best, it could be presumed that the accused persons were consuming the contra-band and they are entitled to the immunity provided u/s 64A of the Act. The accused persons are not drug traffickers, who were obtaining the contra-band and selling it for profit, since there is no such evidence in that regard. Therefore, section 22 of the Act is not attracted in the present case. Furthermore, only on the basis of disclosure statement u/s 67 NDPS Act, no recovery of contra-band was effected, therefore, the said disclosure statement loses all its importance. Furthermore, in one of the courier slips, which was allegedly addressed to accused Gaurav Matolia, co-accused Nadeem was signing the slip on 01.07.2024, i.e. after his arrest

on 26.06.2024. Therefore, a shadow of doubt is created on the said document and no incriminating material is filed by the NCB to substantiate the allegations levelled by it in the complaint. Therefore, accused persons are entitled to be discharged.

15 It is submitted by the Ld. Counsel for accused Pratik Goyal that the case of the present accused is on different footing than the co-accused persons. His name is merely mentioned in one of the alleged parcel which was supposedly booked by co-accused Nadeem. The AWB number of the courier is not even running into 09 digits, unlikely the other parcels and the said parcel is not having the AWB number in sequence with the other AWB numbers on the other parcels. There is no financial transaction between the present accused and co-accused persons. There is no intercepted call or chats. There is nothing recovered from his possession. The parcel in question never reached at any point of time. His name was never mentioned in the disclosure statement of any of the co-accused persons. The alleged parcel was not even addressed to the accused at his residential address. It bears the address of one company, where the accused was allegedly working and even the mobile number mentioned on the parcel did not belong to accused and was registered in the name of the said company. Therefore, there is no incriminating material to frame charges against him in present case.

16 Per contra, it is submitted by Ld. SPP for NCB that the accused persons are all involved in the nefarious activities of illegal drug trade. They were all part of the criminal conspiracy and the NCB has placed on record enough incriminating material

to establish their actual role and chain of evidence and circumstances for the purposes of establishing grave suspicion of the commission of the offences committed by the accused persons. Therefore, the charges u/s 8 (c) r/w section 22 (c) and section 29 of NDPS Act be framed against all the accused persons.

17 The purpose of framing a charge is to intimate to the accused, the clear, unambiguous and precise nature of accusation that accused is called upon to meet in the course of a trial. Reliance is placed upon the decision of the Hon'ble Supreme Court of India in "***VC Shukla Vs. State through CBI***" 1980 SCC (Cri) 695. It was further held in "***Union of India Vs. Prafulla Kumar Samal and Anr.***" (1993) 3 SCC 4, wherein, the Hon'ble Supreme Court of India considered the scope of inquiry, a Judge is required to make while considering the question of framing of charges. The Judge while considering the question of framing of charges has power to sift and weigh the evidence for the limited purpose for finding out whether or not the *prima facie* case has been made out against the accused. From the material placed before the court, does the same disclosed grave suspicion against the accused which has not been properly explained and lastly if two views are equally possible and the Judge is satisfy that the evidence produced before his while giving rise to some suspicion but not grave suspicion against the accused he will be fully within his right to discharge the accused.

18 From the complaint and the documents annexed therewith, there is enough incriminating material against the main accused

Md Nadeem @ Rohit, who has conceded to the charges. The accused Egenti Wisdom Chibueze was caught red handed at the pointing out of co-accused Md Nadeem @ Rohit and from his possession, 86 gm of Methamphetamine Hydrochloride was recovered. Furthermore, as per the disclosure statement of co-accused Md Nadeem @ Rohit, accused Egenti Wisdom Chibueze was the supplier of the seized contra-band i.e. 66.75 gm of Methamphetamine Hydrochloride, which was recovered from the parcels seized from the office of DTDC and Trackon courier. As far as accused Venkata Reddy K, Gaurav Matolia and Sayed Samir is concerned, in addition to their names being mentioned on the parcels, which were addressed to them, the parcels also bore their addresses and mobile numbers. Furthermore, there are financial transactions between them and the account which was operated by co-accused Md Nadeem @ Rohit, prior to the parcels being intercepted. Therefore, there is enough incriminating material to conclude that there is grave suspicion of their involvement in the commission of the offences in question.

19 However, as far as accused Pratik Goyal is concerned, there is no financial transaction between him and co-accused persons. His name is merely mentioned on the parcel, which had incomplete AWB number, which was not matching with the other parcels as they were having the serial numbers in sequence. There is no CDR or chat showing his involvement. The parcel did not even contain the mobile number issued in his name. Therefore, in the considered opinion of this Court, there is not enough material and therefore, the accused Pratik Goyal is

hereby discharged of the commission of the offences, he is allegedly accused of committing in the charge sheet.

20 Accused Pratik Goyal is directed to furnish his bail bonds u/s 481 BNSS, 2023 (erstwhile 437-A CrPC, 1973) in the sum of Rs 50,000/- with one surety of like amount within one week from today. The previous bail bonds/surety bonds stands canceled. Let the documents filed by the sureties, be released to the sureties after due compliance.

21 Let, charges u/s **8 (c) r/w section 22 (c) and section 29 NDPS Act** be framed against remaining accused persons.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
18.08.2025