

**Case No. SC/412/18**  
**NCB Vs Palvinder Singh**

08.02.2019

Present: Sh. B.S. Arora, Ld. SPP for NCB.

Accused produced from JC.

Sh. Pushpendra Kumar and Sh. Ashish Kumar, Ld. Counsels for accused.

IO/Sh. B.L. Bairwa is present.

E-Challan not filed.

Perused the complaint.

It has been alleged in the complaint filed that 19.09.2018 on the basis of secret information, a parcel lying at DHL Express was searched and 450 gms of opium was recovered from the parcel. On the basis of the ID document annexed with the parcel, notice U/s 67 of NDPS Act to Rakesh Kumar who was working as a Sales Executive with DTDC Rudrapur, Uttarakhand was given and he disclosed that the said parcel was given to him by the accused Palvinder Singh but he had given his name as Sarpreet Singh. A complaint was lodged by him with police station and on the basis of investigation, accused was apprehended.

It has been stated by Ld. SPP for NCB that opium got booked by accused is opium derivative U/s 2 (xvi) of NDPS Act since as per the report for CRCL, the substance recovered is opium and contains more than 0.2 % i.e. 3.0 % of morphine. On the other hand, Ld. Counsel for accused has stated that it is not a opium derivative because as per CRCL, the substance is opium and at this stage, percentage of morphine does not matter.

In the considered opinion of this Court, the material on record is sufficient to take cognizance of the offences punishable U/s 18 (b) and 23 (b) of NDPS Act. Hence, cognizance is so taken. Copies of the complaint and

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documents be supplied to accused.

This complaint has been filed by a public servant Sh. B.L. Bairwa, IO in discharge of his duties. He has moved an application for dispensing with his preliminary examination and for his exemption from personal appearance for future dates 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.

Matter to come up for filing of E-Challan, scrutiny of documents/consideration on charge on 05.03.2019.

As requested, bail application already filed on behalf of accused be kept for further arguments on 22.02.2019 at 2 PM.

**(Sudesh Kumar II)**  
Special Judge/NDPS  
New Delhi/08.02.2019