

**IN THE COURT OF SHRI PUNEET PAHWA
SPECIAL JUDGE (NDPS)/NORTH EAST DISTRICT
KARKARDOOMA COURTS DELHI**

**SC No. 295/2025
State Vs. (1). Nadir; (2). Amir;
(3). Mohd. Danish
FIR No. 468/2025
PS: New Usman Pur**

12.05.2026

ORDER ON CHARGE

1. In the present case, the chargesheet U/sec. 18/20/29 of NDPS Act has been filed against the accused persons namely Nadir, Amir and Mohd. Danish.

2. The story put forth by the prosecution is that on 01.08.2025, two boys were apprehended by the police team in front of Pillar no. P-149, main Pusta Road, New Usmanpur, Delhi, out of them, one boy was carrying a white colour bag in his right hand. Thereafter, notices u/s. 50 of NDPS Act were served upon both the accused persons. Both the accused refused to avail their legal rights regarding their search. On checking the said bag, one plastic bag containing a transparent polythene was found and on opening the transparent polythene, 'black colour semi solid sticky dark brown substance' was found, which on smelling appeared to be Opium. On enquiry, the names of both the boys were revealed as Mohd. Danish and

Nadir. The information regarding apprehension of both the said boys and recovered contraband was sent to the senior officers.

3. The total weight of the said Opium was found to be 610 grams (without polythenes). After complying with the provisions as per the NDPS Act, the contraband was seized. FSL team was called at the spot. Samples were taken. Photography and videography of the seizure proceedings were done. Present FIR was got registered. Both the accused persons, namely, Nadir and Mohd. Danish were arrested in the present case.

4. During investigation, at the instance of accused Nadir, accused Amir was got arrested in the present case. After compliance of Sec. 50 NDPS Act, search of accused Amir was got conducted. However, no psychotropic substance was found from his personal search. During investigation, accused Amir got recovered one white colour plastic katta from his room. On checking the same, it was found containing Ganja. The total weight of the said recovered Ganja was found to be 3.700 kg. After detailed interrogation, disclosure statements of the accused persons were recorded. Compliance of Sec. 52 of NDPS Act was made. After investigation, chargesheet u/s. 18/20/29 of NDPS Act has been filed against the accused persons.

5. I have already heard the Ld. Addl. PP for the State and the Ld. Counsel for the accused persons.
6. Sh. F. M. Ansari, Ld. Addl. PP for the State had submitted that in the case in hand, 610 grams Opium has been recovered from the joint possession of accused Nadir and Mohd. Danish and 3.700 kg Ganja has been recovered at the instance of accused Amir. Since, all these three accused persons have committed the offence punishable U/sec. 18/20/29 of NDPS Act and there are sufficient evidences against all the abovesaid three accused persons, so, charges under the said sections are liable to be framed against all these three accused persons.
7. On the other hand, Ld. Counsel for the accused persons has submitted that the accused persons have been falsely implicated in the present case and nothing has been recovered from the possession of the accused persons and the recovery of the alleged contraband has been planted upon the accused persons. Ld. Counsel further argued that the necessary compliances under the NDPS Act have not been complied with in the present case, therefore, all the accused persons are entitled to be discharged.
8. I have given thoughtful consideration to the submissions made by the Ld. Counsel for the parties and perused the record.

9. Perusal of the record reveals that in the case in hand, accused Nadir is alleged to have been found in possession of 610 grams Opium alongwith co-accused Mohd. Danish and 3.700 kg Ganja is allegedly recovered at the instance of accused Amir.
10. It is now well settled that at the stage of framing the charge, enquiry must necessarily be limited to deciding if the facts emerging from such materials constitute the offence with which the accused could be charged. The Court may peruse the records for the limited purpose, but it is not required to marshal it with a view to decide the reliability thereof.
11. At the stage of framing the charge, the Court has to prima-facie consider whether there is sufficient ground for proceeding against the accused. The Court is not required to appreciate the evidence and arrive at the conclusion that the materials produced are sufficient or not for conviction of the accused. If the Court is satisfied that a prima facie case is made out for proceeding further then a charge has to be framed.
12. Now, coming to the facts of the present case under considering. As per the case of the prosecution, on 01.08.2025, both the accused persons, namely, Nadir and Mohd. Danish were apprehended by the police team in

front of Pillar No. P-149, main Pusta Road, New Usmanpur, Delhi. At that time, accused Nadir was carrying a white colour bag in his right hand. On checking the said bag, one plastic bag containing a transparent polythene was found and on opening the transparent polythene, 'black colour semi solid sticky dark brown substance' was found. After testing the said substance with the help of field testing kit, same was found to be Opium. The total weight of the said Opium was found to be 610 grams. During course of investigation, co-accused Amir was got arrested at the instance of accused Nadir. Accused Amir got recovered one white colour plastic katta from his room, which was found containing Ganja. The total weight of the said recovered Ganja was found to be 3.700 kg.

13. There is enough material on record prima facie showing involvement of the present accused persons as 610 grams of Opium has been recovered from the join possession of accused Nadir and Mohd. Danish and 3.7 kg of Ganja has been recovered at the instance of accused Amir. Both fall within the category of intermediate quantity. So far as the arguments raised by the Ld. Counsel for the accused persons are concerned, same are matter of trial and can be appreciated only after evidence.

14. Thus, finding enough material on record, this court

has no hesitation in holding that accused persons are not entitled to be discharged in the present case. Thus, prima facie sufficient material is on record against all the accused persons to frame charges against them and accordingly, **accused persons, namely, Nadir and Mohd. Danish are liable to be charged and face trial u/s. 18(c) & Sec. 29 r/w. Sec. 18(c) of the NDPS Act and accused Amir is liable to be charged and face trial u/s. 20(b)(ii)(B) of the NDPS Act.**

15. Let charges be framed against the accused persons.

**Announced in the open Court
on 12th day of May, 2026**

**(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East District/Karkardooma Courts/Delhi**