

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

SC No. 333/2025

State Vs. Intejar Malik & Ors.

FIR No. 122/2025

PS: Crime Branch

30.05.2026

ORDER ON CHARGE

1. In the present case, the chargesheet U/sec. 20(b)ii(C)/25/29 of NDPS Act has been filed against the accused persons, namely, Intejar Malik and Rizwan. The supplementary chargesheet U/sec. 20(b)ii(C)/25/29 of NDPS Act has been filed against the accused persons, namely, Mohsin Malik and Raghuveer Roy @ Ravi.

2. The story put forth by the prosecution is that on 20.05.2025, after receiving a secret information vide DD no. 200A, regarding illegitimate supply of huge quantity of Ganja one or two persons in a Truck bearing No. UP....6591, a raiding team was prepared and a trap was laid at in front of Flood Control Office, Sonia Vihar Pusta Road, Delhi, where, at the instance of the secret information, a truck bearing registration No. UP-15CT-6591 was stopped. Driver and helper of the truck were apprehended. On inquiry, the name of the driver of the said truck came to be known as Rizwan and name of the helper came to be known as Intejar Malik.

Both the accused persons were told about the secret information. Notice u/s. 50 of NDPS Act were served upon both the accused persons. Both of them were also told about their legal rights regarding the search proceedings. However, both the accused persons refused to be searched before the Magistrate or Gazetted Officer. Their refusals were got written on their respective notices u/s. 50 of NDPS Act. No psychotropic substance was recovered during their personal search.

3. Thereafter, search of the truck bearing registration No. UP-15CT-6591 was got conducted. During search of the truck, huge quantity of the watermelons were kept in the back side of the truck and after removing the said watermelons, some plastic bags (katte) tied with the cloth piece were found there. On asking, both the accused persons told that Ganja was kept inside those plastic bags. There were 17 plastic bags in total. On opening one plastic bag, it was checked. "HARE RANG KA PATTEDAR BEEJYUKT PADARTH" was kept in the said plastic bag, which on seeing, smelling and physical appearance, found to be Ganja. FSL team was called at the spot. In the presence of FSL team, all the 17 plastic bags were checked and same were found containing Ganja. The total weight of the recovered Ganja was found to be 350.046 kgs (including weight of 110 grams of empty plastic bags).

After sampling and seizure proceedings, both the accused Rizwan and Intejar Malik were arrested in the present case. FIR No. 122/2025 U/s. 20(b)ii(c)/25/29 NDPS Act was got registered at PS Crime Branch.

4. After detailed interrogation, disclosure statements of both the accused persons were recorded. During disclosure statements, names of co-accused Mohsin Malik and Raghuvver Roy @ Ravi were surfaced. During investigation, it was revealed the co-accused Raghuvver Roy @ Ravi was running in judicial custody at Chanchalguda Jail, Hyderabad and on filing of the application, production warrants were got issued against accused Raghuvver Roy @ Ravi. Thereafter, on 08.10.2025, accused Raghuvver Roy @ Ravi was produced before this court and after interrogation, he was arrested in the present case.
5. During investigation, on 17.11.2025, co-accused Mohsin Malik was apprehended from District Court, Meerut and after interrogation, he was arrested in the present case. After compliance of the notice u/s. 50 of NDPS Act, he was searched, but, no psychotropic substance was recovered from his possession. During investigation, samples of the contrabands were taken. Mobile phones, voice calls and WhatsApp Chats of the

accused persons were checked and transcripts of the voice calls were got prepared. Thereafter, mobile phones as well as the samples of the contrabands were sent to the FSL for examination. Thereafter, after completing the investigation, chargesheet was prepared against the accused persons namely Rizwan and Intejar Malik and supplementary chargesheet against the accused persons namely Mohsin Malik and Raghuvir Roy @ Ravi was prepared and same were filed before the Court.

6. I have already heard the Ld. Addl. PP for the State and the Ld. Counsels for the accused persons.
7. Sh. F. M. Ansari, Ld. Addl. PP for the State submitted that in the case in hand, total 348.176 kgs of Ganja has been recovered from 17 plastic bags kept beneath the watermelons kept in a truck bearing registration no. UP-15CT-6591. Accused Rizwan was the driver of the said truck and accused Intejar Malik was the helper of the said truck. Both the accused persons were arrested in the present case. During investigation, co-accused Mohsin Malik and Raghuvir Roy @ Ravi were also arrested in the present case.
8. Ld. Addl. PP for the State has further submitted that since, all these four accused persons have committed the serious offences punishable U/sec. 20(b)ii(c)/25/29 of

NDPS Act and there are sufficient evidences against all the abovesaid four accused persons, so, charges under the said sections are liable to be framed against all these accused persons.

9. On the other hand, Ms. Sakshi Yadav, Ld. LADC for the accused Rizwan and Intejar Malik has submitted that both these accused persons have been falsely implicated in the present case and nothing has been recovered from the conscious possession of both these accused persons and the recovery of the alleged contraband has been planted upon them.
10. Sh. I. P. Saini, Ld. Counsel for accused Raghuveer Roy has submitted that this accused has been chargesheeted u/s. 20(b)(ii)(c)/25/29 NDPS Act, however, this accused is not related with the alleged contraband in any manner, as admitted by the prosecution itself that no contraband has been recovered from this accused. He has also submitted that the prosecution has relied upon the transcripts of the phone conversation allegedly recovered from the mobile phone of co-accused Mohsin Malik, however, this accused Raghuveer Roy is not related to the said transcript at all, as the said transcript is with regard to the conversation between wife of co-accused Intejar and co-accused Mohsin Malik. Moreover, no incriminating

material came out from the said transcript. Ld. Counsel has also submitted that the prosecution has relied upon the GPS tracker, allegedly installed in the truck in question, however, the said GPS tracker is not registered in the name of accused Raghuveer Roy. There is no evidence against accused Raghuveer Roy, which would link him with the recovered Ganja and he has been falsely implicated in the present case.

11. Ld. Counsel for accused Mohsin Malik has argued that nothing incriminating has been recovered from the accused Mohsin Malik or at his instance. Mere CDR connectivity between him and any other accused is not enough to frame charge against him. Moreover, nothing has been filed on record to show that the GPS device allegedly recovered from the said truck was purchased by accused Mohsin Malik, nor there is any evidence on record to show that accused Mohsin Malik is the owner of the said truck. Lastly, it was argued that the recovery of the alleged phone conversation from the phone of the accused Mohsin Malik is highly doubtful and there is nothing on record to show how it was there in the mobile phone of the accused Mohsin Malik, or who had recorded it or even from whom, it was received.

12. Ld. Counsels have argued that the necessary

compliances u/s. 41, 42, 50 & 57 of NDPS Act have not been complied with in the present case, therefore, all the accused persons are entitled to be discharged from the alleged offences, in the present case.

13. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the accused persons, Ld. Addl. PP for the State and perused the record.

14. Perusal of the record reveals that in the present case, total 348.176 kgs of Ganja is alleged to have been recovered from 17 plastic bags kept beneath the watermelons kept in a truck bearing registration no. UP-15CT-6591. Accused Rizwan was the driver of the said truck and accused Intejar Malik was the helper of the said truck, and they were arrested in the present case. During investigation, co-accused Mohsin Malik and Raghuvir Roy @ Ravi were also arrested in the present case.

15. 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.

16. 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.

17. The Hon'ble Apex Court in **Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4**, dealt with the scope of enquiry a judge is required to make with regard to the question of framing of charges. Inter alia, the following principles were laid down by the Court:

“10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

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(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however, if two views are equally possible and the Judge is satisfied that the evidence produced before him 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. The Hon'ble Apex Court, in the case of **Sajjan Kumar v. CBI, VI (2010) SLT 753-IV (2010) CCR 37 (SC)-(2010) 9 SCC 368**, has culled out the following principles in respect of the scope of Sections 227 and 228 of the CrPC while observing that a prima facie case would depend on the facts and circumstances of each case. The relevant paragraphs read as under:

"21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing a charge and proceeding with the trial.

(iii) The Court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the Court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the Court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the Court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

19. Now, coming to the facts of the present case under considering. As per the case of the prosecution, on the basis of one secret information regarding illegal supply of Ganja at in front of Flood Control Office, Sonia Vihar Pusta Road, Delhi and a trap was laid at the said spot and at the instance of the secret informer, accused persons

Rizwan and Intejar Malik were apprehended. Accused Rizwan was driving the truck bearing registration No. UP 15CT-6591 and accused Intejar Malik was sitting a helper in the said truck.

20. After compliance of Sec. 50 of NDPS Act, search of both the accused persons were conducted, however, nothing incriminating was recovered from their personal search. Thereafter, search of the truck bearing registration No. UP-15CT-6591 was got conducted. During search of the truck, huge quantity of the watermelons were kept in the back side of the truck and after removing the said watermelons, some plastic bags (katte) tied with the cloth piece were found there. On opening one plastic bag, it was checked, which on seeing, smelling and physical appearance, found to be Ganja. FSL team was called at the spot. In the presence of FSL team, all the 17 plastic bags were checked and same were found containing Ganja. The total weight of the recovered Ganja was found to be 350.046 kgs including weight of the empty plastic bags and 348.176 kgs excluding the plastic bags. After sampling and seizure proceedings, both the accused Rizwan and Intejar Malik were arrested in the present case.

21. During detailed interrogation, names of co-accused

Mohsin Malik and Raghuveer Roy @ Ravi were surfaced and it was revealed the co-accused Raghuveer Roy @ Ravi was running in Judicial Custody at Chanchalguda Jail, Hyderabad and on filing of the application, production warrants were got issued against accused Raghuveer Roy @ Ravi. Thereafter, on 08.10.2025, accused Raghuveer Roy @ Ravi was produced before this court and after interrogation, he was arrested in the present case.

22. On 17.11.2025, co-accused Mohsin Malik was apprehended from District Court, Meerut and after interrogation, he was arrested in the present case and necessary compliances were made.

23. Thus, prima facie, it is clear that 348.176 kg of Ganja was recovered from 17 plastic bags from the truck bearing registration no. UP-15CT-6591. The said truck was being driven by accused Rizwan, while accused Intejar Malik was the helper in the said truck. Accused Raghuveer Roy @ Ravi was the source of the said Ganja, which started from Rajahmundry on 18.05.2025 and part of the said Ganja was to be delivered to accused Mohsin Malik, whereas, part of it was to be delivered to one Vivek Jain, against whom, investigation is still pending. It further came on record that accused Mohsin Malik was the owner of the said truck.

24. In the considered opinion of this Court, there is enough evidence on record against all the accused persons, prima facie raising grave suspicion regarding involvement of all these accused persons in commission of the alleged offences.

25. No doubt, the disclosure statement of accused are not per se admissible, as a strong piece of evidence, but, in the present case, it is not that accused Mohsin Malik and Raghuveer Roy @ Ravi have been chargesheeted only on the basis of the disclosure statement of the co-accused persons. The prosecution has relied upon the transcript of phone conversation between Raghuveer Roy @ Ravi and wife of the accused Intejar Malik recovered from the mobile phone of accused Mohsin Malik, which is dated 21.05.2025. The said conversation appears to be quite relevant so far as present case is concerned. No doubt, in the said conversation, there is nothing about Ganja, but the context of the conversation clearly shows that the two persons were talking about some vehicle, which was not traceable. Admittedly, at that time, the said vehicle (truck) was already seized by the raiding team.

26. Ld. Counsels have argued that necessary compliances u/s. 42, 50 & 57 of NDPS Act have not been done before and after arrest of the accused persons,

therefore, they are entitled to be discharged. So far as the non-compliance of Sec. 42, 50 & 57 of NDPS Act are concerned, they are matter of trial and the entire prosecution story cannot be discarded at this stage, without giving an opportunity to the prosecution to prove the necessary compliances.

27. There is enough material on record against the accused persons not only in the form of transcripts of conversation on phone, but also the fact that they were in regular contact with each other for procurement and transportation of the alleged contrabands. Also, there are financial transactions between the accused persons. Moreover, there are statements of the witnesses to show that the said truck was being purchased by accused Mohsin Malik, though it was not transferred in his name and the GPS installed in the said truck was registered in the name of Mohsin Malik. The movement of the said truck was regularly tracked by the accused Raghuvver Roy and the location of the truck as well as location of accused Intejar Malik on 18.05.2025 i.e. on the day when they started from Rajahmundry was at Rajahmundry only i.e. near the house of accused Raghuvver Roy.

28. This court agrees with the submissions made by the Ld. Addl. PP for the State that whether the necessary

compliances were done or not can be looked into only after trial. Admittedly, this is not a case of total non-compliance. 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.

29. Sufficient material is on record against all the accused persons to frame charges against them and accordingly, **accused persons namely Intejar Malik and Rizwan are liable to be charged and face trial u/s. 20(b)ii(c) & Sec. 29 r/w. Sec. 20(b)ii(c) of the NDPS Act. Accused Raghuveer Roy @ Ravi is liable to be charged and face trial u/s. 29 r/w. Sec. 20(b)ii(c) of the NDPS Act. Accused Mohsin Malik is liable to be charged and face trial u/s. 25 & sec. 29 r/w. Sec. 20(b)ii(c) of the NDPS Act.**

30. So far as the arguments raised by the Ld. Counsels for the accused persons are concerned, same are matter of trial and can be appreciated only after evidence.

31. Let charges be framed against the accused persons.

**Announced in the open Court
on 30th day of May, 2026**

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