

SC 11411/2023

STATE Vs. KANHAIYA KUMAR SHAW & ORS.

FIR No. 380 /2023

PS- (Okhla Indl. Area)

05.01.2024

Present : Sh. Wasi-Ur-Rahman, Ld. Addl. PP for the State.

All accused persons produced from JC.

Sh. Avinash Kumar, Ld. Counsel for accused Kanhaiya Kumar Shaw.

Sh. Virender Lohia, Ld. Counsel for accused Bicky Singh.

Sh. M. Nabi, & Sh. F. Nabi, Ld. Counsel for accused Chand Ali.

Sh. M Nabi, Ld. LAC for accused Chandan Yadav.

Today, the matter was listed for hearing arguments on the point of charge.

Accused Chandan Yadav submits that he has not been provided with counsel and requested the Court to depute a counsel for him. Under these circumstances, **Sh. M. Nabi, Ld. LAC is hereby deputed to represent him** in the present matter.

Supplementary chargesheet containing FSL report has been filed. The same is taken on record. Copy of the same is also supplied to learned counsels for accused persons.

Ld. Counsel for all accused persons conceded the charges against accused persons.

I have perused the report u/s 173 Cr.P.C., statements of the witnesses recorded u/s 161 Cr.P.C., documents on record, and also heard Ld. Addl. PP for the State and Ld. counsel for the accused persons.

To my mind, prima facie case **u/s 29 r/w 20 (b) (ii) (B) of NDPS Act** is made out against all accused persons.

Charge for the aforesaid offences is framed against all accused persons which is read over and explained to them in vernacular to which they pleaded not guilty and claimed trial.

Re-list the matter for **PE on 15.03.2024.**

Issue summons to PW/Inspector Sukhbir Malik, PW/Reader to ACP & MHC(M) with case property through IO concerned for the next date of hearing.

At this juncture, Ld. Counsel for accused Chand Miyan submitted that he had moved an application on behalf of applicant/accused Chand Miyan for permission to receive shoes & jacket from his relative through Superintendent, Central Jail, Tihar,.

Submissions heard.

Let copy of the application be sent to concerned Jail Superintendent to consider the application of applicant/accused Chand Miyan s/o Sh. Firasat Miyzan as per rules/Jail manual.

At this juncture, Sh. Avinash Kumar, Ld. Counsel for accused Kanhaiya Kumar Shaw has moved an application seeking permission to provide warm cap to the applicant/accused.

Submissions heard.

Let copy of the application also be sent to concerned Jail Superintendent to consider the application of applicant/accused Kanhaiya Kumar Shaw as per rules/Jail manual.

Copy of this order be given dasti.

**(ARUL VARMA)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /05.01.2024**