

SC 3/2021
STATE Vs. NITESH KUMAR @ NIKKU
FIR No. 397/2020
PS (SAFDARJUNG)

12.12.2022

Present:- Ld. Addl. PP for the State.

Accused Nitesh Kumar @ Nikku on bail with ld.

Counsel Sh. Jitender Singh.

Accused Vipal Tailor produced through VC from Laj Por Central Jail, Surat, Gujarat.

Sh. Amar Phogat, Ld. Counsel for accused Vipal Tailor who is present in the court.

Heard arguments on charge.

Both ld. Counsel has argued that the accused persons have been falsely implicated and no recovery was made from them so they should be discharged.

On the other hand, Ld. Addl. PP for the State has argued that in view of investigation carried out, there is sufficient material to charge both the accused for offences u/s **20 (b) (ii) (B)** of NDPS Act and **u/s 29** of NDPS Act.

Having heard the arguments as advanced this court is of the view that there is sufficient material to prima-facie show the involvement of the accused persons for offences punishable u/s **20 (b) (ii) (B)** of NDPS Act and **u/s 29** of NDPS Act.

At this stage, this court has no reason to disbelieve the seizure memo, showing the recovery of the contraband from the accused, the arrest memos of both the accused and the FSL Report.

Necessary procedural compliances regarding NDPS Act also seems to have been duly done from the documents filed with the charge-sheet.

Thus, charge u/s **20 (b) (ii) (B)** of NDPS Act and **u/s 29** NDPS Act framed.

The accused Vipal Tailor has today authorized his counsel Sh. Amar Phogat to sign the charge and plead not guilty on his behalf. Even this court interacted with this accused through VC and explained the entire charge in Hindi to which he pleaded not guilty.

Accordingly, Ld. Counsel for the accused has signed the charge on behalf of accused Vipal Tailor today.

Accused Nitesh Kumar has signed the charge personally.

To come up for PE on **24.02.2023**. **PW HC Kishan, SI Vivek Malik and Inspector Mahesh Bhardwaj be summoned for the next date of hearing.**

Accused Vipal Tailor be produced through VC on the next date of hearing.

(Monika Saroha)
Special Judge-NDPS/ASJ (South)
Saket Courts/12.12.2022