

SC No. 107/2020
STATE Vs. PAWAN @ MAHESH @ MANISH
FIR No. 04/2020
PS AMBEDKAR NAGAR

17.05.2023

Present :- Sh. Inder Kumar, Ld. Addl. PP for State.

Accused on bail with Sh. Lalit Yadav and Sh. Pankaj Gupta,
Ld. Counsels.

Arguments on the point of charge addressed by Ld. Addl. PP
as well as Ld. Counsel for the accused heard.

Record perused.

As per the allegations appearing in the chargesheet, on 02.01.2020, at around 4:45p, secret information was received by Special Staff, South District that one Mahesh would come to H Block, Madangir to sell charas and ganja. Acting on the secret information, raiding team was prepared on the directions of the ACP. At around 6:10pm, accused Pawan @ Mahesh @ Manish reached there on foot with a plastic katta in his hand. He was intercepted, and after complying with various provisions of the NDPS Act, he was searched and was found carrying 5kg 300gms of ganja in the plastic katta and 53 gms of charas was recovered from polythene bag kept in the right pocket of his trouser. The same was confirmed by the FSL report.

Ld. Counsel sought to argue that the notice u/s 50 NDPS Act is defective and there is infirmities in the seizure documents prepared by the IO. However, at this stage of charge, the court is not required to check for sufficiency of evidence and to see whether the evidence available on record would ultimately lead to conviction. At this stage, only a prima facie view needs to be formed.

From the material available on record, prima facie there are sufficient grounds to proceed against the accused for the offence punishable u/s 20(b)(ii) (A) and 20(b)(ii)(B) NDPS Act. Charge be framed accordingly.

Charge framed accordingly to which accused pleaded not guilty and claimed trial.

To come upon **23.08.2023 for PE.**

(Gaurav Gupta)
Special Judge-NDPS/ASJ (South)
Saket Courts/17.05.2023