

SC No. 78/25  
DRI VS VIJAY PATHAK & ANR.

15.05.2025

Present :- Ms. Mala Sharma, Ld. Counsel for DRI.

Both accused produced from JC with Sh. Amar  
Phogat and Ms. Sakshi Sharma, Ld. Counsel.

Since the accused persons have engaged a private counsel, Sh. RK Gupta, Ld. DC/LADC is discharged from this case for the accused persons.

Heard on charge.

Ld. Counsel has submitted thata he concedes to framing of charges against accused Vijay Pathak. Ld. Counsel has further argued that offence u/s 23 is not made out against accused Ayakabo Ere Evelyn.

As per the complaint, on or before 16.08.2024 accused Vijay Pathak and co-accused Ayakabo Ere Evelyn @ Ayakaboere Evelyn Benjamin entered into a criminal conspiracy alongwith Gordon John Lea and Presido (both not apprehended) for the purpose of import of 2097.2 gms (net weight as per proceedings u/s 52A NDPS Act) of cocaine hydrochloride, which was to be handed over to accused Ayakabo Ere in India by accused Vijay on the instructions of co-accused Presido and Gordon John Lea (both not apprehended). Further, pursuant to the said conspriacy, accused Vijay arrived at IGI Airport on 16.08.2024 at about 04:50am from Istanbul via Turkish Airlines Flight No. TK 716 where he was apprehended by the DRI officers and was found in possession of cocaine hydrochloride weighing 2097.2gms (net weight as per proceedings u/s 52A NDPS Act ) concealed in

his trolley bag which he imported into India illegally. In view of the same, prima facie offence u/s 29 r/w 23, 21(c) and 23 NDPS Act is made out against accused Vijay Pathak. Prima facie offence u/s 29 r/w 23 and 23 r/w 29 NDPS Act is made out against accused Ayakabo Ere Evelyn @ Ayakaboere Evelyn Benjamin. Charge be framed accordingly.

**Charge u/s 29 r/w 23, 21(c) and 23 NDPS framed against accused Vijay Pathak and charge u/s 29 r/w 23 and 23 r/w 29 NDPS Act framed against accused Ayakabo Ere Evelyn @ Ayakaboere Evelyn Benjamin.** Both accused pleaded not guilty and claimed trial.

**List on 19.08.2025 for PE.**

(Gaurav Gupta)  
Special Judge-NDPS/ASJ (South)  
Saket Courts/15.05.2025