

CNR No. DLWT01-000498-2021
SC No.49/21
FIR No 301-19
P.S.Crime Branch
U/s 21/29 NDPS Act
State Vs Sonu Kumar and anr

26.08.2022

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh Akash, Proxy counsel for accused Suraj.
Accused Sonu is produced from JC.
Accused Suraj is absent.

An exemption application on behalf of accused Suraj is filed on the medical ground.

Heard.

In view of the submissions and in the facts and circumstances explained in the application, accused Suraj is exempted from personal appearance for today only.

Matter is listed for arguments on the point of charge.

Arguments heard. Record is perused.

There are allegations as per prosecution story that upon the secret information received on 05.10.2019 at around 10.45 am that near Chandra Vihar, Ranjit Vihar Bridge, Delhi a person namely Sonu deals in the supply of the drugs. It is further alleged that ASI Abdul Barkat shared this information with his superiors and on their

directions, a raiding team was constituted. The raiding party requested 4-5 persons to join proceedings but no one agreed. It is further alleged that at around 01.15 pm, when accused Sonu reached near Vir Bazar Chowk, Chander Vihar, accused Sonu was identified by the secret informer upon which accused Sonu was overpowered by the said police officials on the abovesaid spot who was found in possession containing 1 kg of Heroin after measurement. The accused Sonu was arrested after recording his disclosure statement wherein he disclosed that he used to purchase the Heroin from the co- accused Suraj. Thereafter, the police remand of the accused Sonu was obtained for three days and a raid was conducted at the house of Suraj where he was arrested. However, nothing was recovered from the possession or at the instance of accused Suraj. During the investigation, the CDR and CAG pertain to mobile no. being used by both the accused were obtained. Thereafter, the CDR of both the accused were analysed and it was found that they were in regular touch with each other through mobile phone and in conspiracy with each other they were supplying / selling the Heroin. After the completion of investigation the charge-sheet was filed against both the accused Sonu and Pradeep for the offences punishable u/s 21 (c) of NDPS Act and Sec 29 r/w Sec 21(c) of NDPS Act and after receiving the FSL Result, supplementary charge-sheet was filed alongwith FSL Result.

It has been submitted on behalf of accused persons that they are innocent and have been falsely implicated. It has been specifically argued on behalf of accused Suraj that no transcript of any

telephonic conversation between him and co-accused Sonu has been filed and they are in near relation and therefore, any conversation between them cannot be construed to be a criminal conspiracy. It has been further submitted that even the alleged mobile no.s shown to be used by the accused Suraj was never used by him but it was in the name of her wife and she was using the same. Thus, it has been prayed that both the accused persons may kindly be discharged.

However, in the present case, there is allegation in the chargesheet that upon the notice given to Mrs Poonam W/o accused Suraj who had stated that the mobile no. used by her as well as by the accused Suraj. In the present case, one of the accused Sonu was arrested with contraband i.e. Heroin worth 1 kg and as per CDR both the accused were in regular touch with each other and the accused Sonu has disclosed that he used to purchase the Heroin from co-accused Suraj. In the present case, the CDR between both the accused prima facie suggest that they were in regular touch. Thus, from the statement of the witnesses and other material on record including the report and other documents, prima facie case is made out against the accused Suraj for the offence punishable *u/s 21(c) of NDPS Act, 1985* and *u/s 21(c) R/w Sec 29 of NDPS Act* against both the accused persons namely Sonu Kumar and Suraj.

Accordingly, charges are framed against accused Sonu Kumar to which he pleaded not guilty and claimed trial.

Be put up for framing of charge against accused Suraj on **31.08.2022.**

Be put up for PE on **19.10.2022**.

Let witnesses appearing at serial no.7,8 and 9 in the list of witnesses be summoned for the next date of hearing through IO alongwith IO and case property, if any.

(Devendra Kumar Sharma)
ASJ/Special Judge (NDPS)(West)
THC/Delhi/26.08.2022