

CNR No. DLWT01-00
SC No. 433/22
FIR No. 428/22
P.S. Tilak Nagar
U/s 21 NDPS Act and 14 The
Foreigners Act, 1946
State Vs Ismael

25.08.2022

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh Anirudh Singh, Ld Counsel for the accused.
Accused is produced from JC.

Matter is listed for arguments on the point of charge.

Arguments heard. Record is perused.

There are allegations as per prosecution story that on 07.05.2022 at 01.30 am near Sports Complex main road Tilak Vihar, Delh; one person was found standing. It is alleged that upon seeing the police officials, the said person started walking to the opposite side. It is further alleged that upon suspicion, the police official called the said person and directed him to stop there who afterwards started running. It is further alleged that police officials overpowered him who threw the dark brown polythene which he was carrying in his hand which was containing 54.80 gms of Heroin after measurement.

It has been argued that in the present case, that no charge is made out against the accused as the FSL result has not been received. It is alleged that no notice u/s 50 of NDPS Act issued to him

to which he refused to take search of the raiding party or to be searched before the Gazetted Officer .

However, prima facie, it is clear from the statement of witnesses, the contraband seized from the accused was found to be Heroin from its smell and as per record the notice u/s 50 of NDPS Act has been given prior to search and seizure and therefore, the arguments advanced on behalf of accused has no force.

Thus, from the statement of the witnesses, complaint and other material on record prima facie case is made out against the accused for the offences for the contravention of provision u/s 8(c) of NDPS Act which is punishable *u/s 21(b) of NDPS Act, 1985 and 14 of Foreigners Act.*

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

Hence, be put up for PE on **09.11.2022.**

Let witnesses mentioned at serial no. 5 and 6 in the list of witnesses be summoned through IO alongwith IO and case property, if any.

(Devendra Kumar Sharma)
ASJ/Special Judge (NDPS)(West)
THC/Delhi/25.08.2022