

15 SC 8/2025

CUSTOMS Vs. VINCENT EMEKA OKOYA

10.02.2025

Present: Sh. Puneett Singhal, Ld. SPP for customs appeared through V/C.
Sh. Vishu Raj, Advocate on behalf of
Sh. Puneett Singhal, Ld. SPP for customs.
Accused produced from JC.
Ms. Nidhi Kalia, Ld. counsel for accused from office of LADCS.

Accused submits that he does not have any counsel to represent him in the present case. He further submits that he may be provided a counsel at the State expense.

In view of the submissions made, Ms. Nidhi Kalia, Ld. counsel for accused from office of LADCS, who is present in the court from the office of LADCS is hereby appointed as an LAC to represent the accused. Copy of the order be sent to the office of Ld. Secretary, DLSA, SW, Dwarka, New Delhi.

It is submitted by the Ld. Counsel for the accused that copies are complete.

Arguments on the point of charge heard. Record perused.

It is submitted by Ld. SPP for the customs that there are sufficient material on record to frame the charges for the commission of offence under Section 8/21/23/29 NDPS Act against the accused.

On the other hand, it is submitted by the counsel for the accused that there is no incriminating material on record to

frame the charge against the accused. It is prayed that the accused may kindly be discharged.

I have carefully perused the material on record and gone through the submissions on behalf of the customs and Id. Counsel for the accused.

It is settled proposition of law that at the time of consideration of charge only a prima facie case is to be seen and material before the court should not be weighed meticulously from the angle that it would result in conviction or acquittal. The court has to see that material on record leads to grave suspicion of the commission of the offence. If there is a grave suspicion or a prima facie case is made out against the accused, then the charge against the accused persons has to be framed. If at the stage of charge, there is doubt regarding the involvement of the accused in commission of the offence then the charge need not be framed.

Allegations against the accused are that on 10.06.2024, accused arrived at T-3, IGI Airport, New Delhi vide Flight no. ET-926 from Addis Abada and on inquiry, accused disclosed that he has concealed drug filled capsules in his body and he eased out 26 oval shaped capsules containing narcotic substance at the airport and thereafter, he was admitted at Hospital, where accused eased out 10 capsules (total 36 capsules) and on examination from CRCL, the contraband substance was found to be 648 grams of Cocaine Hydrochloride, which accused imported into India illegally.

In the present fact and circumstances of the case, I am of the considered opinion that there are sufficient material on record to frame the charge against the accused for the offence punishable under Section 21(c) and 23(c) of NDPS Act read with section 8 NDPS Act.

Accordingly, charge under Section 21(c) and 23(c) of NDPS Act read with section 8 NDPS Act, 1985 has been framed against the accused, to which he pleaded not guilty and claimed trial.

PWs Sh. B P Meena and Sh. Sanjeev Chauhan be summoned for the next date of hearing.

List for prosecution evidence on 26.04.2025.

(MANU GOEL KHARB)
SPECIAL JUDGE(NDPS)-02
DWARKA COURTS, NEW DELHI
10.02.2025