

Special Case No. 14/2021
Exhibit No. 198/C

DEPOSITION OF WITNESS No. 9 FOR THE PROSECUTION

I do hereby on solemn affirmation state that :-

My name is : Himanshu Kushwah
Age about : 37 Years,
Occupation : Intelligence Officer, DRI Mumbai.
Residing at : Wadala, Mumbai.

Examination-in-Chief by Ld. Spl. APP Shri. Rushikesh Munde
for prosecution.

01. From September 2019 till November 2021, I was attached to C-Cell of DRI MZU, Mumbai as a Intelligence Officer. On 07/08/2020 I was on leave. I resumed my duty on 11/08/2020. When I resumed my duty I was informed by Deputy Director Yogesh Loke about seizure of 191.60Kg Heroin. The said contraband has been seized at Navkar Corporation. The contraband has been concealed in Mulethi Liquorice Roots imported in the name of Sarvim Export. He informed me about arrest of CHA Meenanath Bodake and Kondibhau Gunjal from Mumbai. He further informed me that, three more persons namely Sarvesh Bhatia Proprietor of Sarvim Export, Mohamad Nauman and Mahendra Nigam were arrested in Delhi. All three accused were brought to Mumbai from Delhi in transit remand. Three accused arrested from Delhi were granted DRI custody by Panel Court. On the request of the Deputy Director I recorded statement

of Mahendra Nigam. I issued summons to him on 14/08/2020. Now, I am shown summons issued to accused Mahendra Nigam under Section 67 of the NDPS, Act. Contents therein true and correct. It bears my signature and seal of DRI. It also bears signature of accused Mahendra Nigam. The said summons is marked as Exh.P199/PW9. While recording statement I came to know that accused Nos.4 and 5 were knowing each other since 2012 when they were in Tihar Jail. After release from Tihar jail accused Nos.4 and 5 were in contact with each other on Facebook. They exchange their phone numbers. Accused No.4 approached accused No.5 and requested godown for storing Mulethi consignment to be imported from Afghanistan. Accordingly, accused No.5 agreed to provide his godown situated at Puri Complex, Ajmeri Gate on profit sharing basis. During the statement, accused Nos. 4 and 5 both of them identified each other and placed signatures on statement of accused No.5. In March 2020, accused No.3 Sarvesh Bhatia visited the said godown and met accused Nos. 4 and 5. Accused No.5 came to know that accused Nos.3 and 4 were working together. Accused Nos.3 and 5 knew each other since 2008 when they were in Tihar Jail. I had shown photograph of Gulam Habib Afghani National to accused No.5. At that time accused No.5 told me that two Mulethi consignments in December 2019 and January 2020 reached in the said godown. At that time Gulam Habib was accompanied by accused No.4. I retrieved Gulam Habib's photo from mobile phone of accused No.4. The forensic examination was done under Vikas Yadav, Intelligence Officer, DRI Mumbai on 10/08/2020. Accused

No.5 told that he was aware about the imported consignment containing contraband Heroin.

02. On 15/08/2020 I again issued summons to accused No.5 under Section 67 of the NDPS, Act. Now, I am shown summons issued to accused Mahendra Nigam under Section 67 of the NDPS, Act. Contents therein true and correct. It bears my signature. It also bears signature of accused Mahendra Nigam. The said summons is marked as Exh.P. 200/PW 9. At that time accused No.5 disclosed that he was aware that accused No.4 was providing legal assistance through NGO Jay Hind Seva Kendra to Afghani and Pakistani prisoners booked under NDPS Act. Accused No.5 had doubt about the activities of accused No.4. However, due to financial difficulties he choose to work with accused No.4. Accused Nos.3 and 5 identified each other and placed their signatures on statement. I can identify accused Nos. 3 and 5. Today accused Nos. 3 and 5 are available on V.C. Accused No.4 is dead.

On the oral request of the Spl.PP. further chief-examination is deferred till next date.

R.O.A.C.

Panvel.
Dated : 18/03/2026.

(Santosh R. Chavan)
Addl. Sessions Judge, Panvel-Raigad.

Further Examination-in-Chief on oath
by Ld. Spl. APP Shri. Rushikesh Munde for prosecution.

03. On 15/08/2020, I issued summons to accused No.3 Sarvesh Bhatia under Section 67 of the NDPS, Act. Now, I am shown summons issued to accused Sarvesh Bhatia under Section 67 of the NDPS, Act. Contents therein true and correct. It bears my signature. It also bears signature of accused Sarvesh Bhatia. The said summons is marked as **Exh.P. 201/PW 9**. On the same day I have recorded statement of accused No.3 at DRI office. Accused No.3 disclosed that, accused No.4 used to provide legal assistance through his NGO "Jay Hind Seva Kendra" to Afghani and Pakistani Nationals imprisoned in Indian jail under NDPS Act. Accused No.3 further disclosed that accused No.4 was in contact with persons involved in Narcotic trade. However, due to financial difficulty accused No.3 shared all the relevant documents of his firm Sarvim Export. Accused No.3 was aware about seizure of Heroin concealed in Mulethi Liquorice Roots.

04. On 17/08/2020, I issued summons to accused No.4 Mohamad Nauman under Section 67 of the NDPS, Act. Now, I am shown summons issued to accused Mohamad Nauman under Section 67 of the NDPS, Act. Contents therein true and correct. It bears my signature. It also bears signature of accused Mohamad Nauman. The said summons is marked as **Exh.P. 202/PW 9**. On the same day, I have recorded statement of accused No.4 at DRI office. Accused No.4 disclosed that, from Mulethi consignment

191.60Kg Heroin was seized. The said consignment was imported by using IEC of Sarvim Export. Custom clearance of the said consignment was to be done by M/s M B Shipping Services of accused No.1-Meenanath Bodake. After custom clearance consignment was supposed to be transported to godown at Puri Complex, Ajmeri Gate, New Delhi. The transport of the goods was supposed to be arranged by accused No.2-Kondibhau Gunjal. Goods was supposed to be stored in godown situated at Puri Complex, Ajmeri Gate, New Delhi owned by accused No.5. Accused No.3 was in financial need, hence he shared his firm's details with accused No.4. Accused No.4 was appointed as a legal nominee of Sarvim Export by accused No.3. Accused No.4 stated that, accused No.3 arranged contact number of accused No.2. He further stated that, accused No.4 contacted accused No.2 for custom clearance and transportation of the goods to be imported. Accused No.2 provided details of CHA Firm M/s M B Shipping Service of accused No.1 to accused No.4 for import Mulethi Liquorice Roots. Accused No.4 was the sole contact with accused Nos.1 and 2 for providing all documents related to import consignment. Accused No.4 was aware of presence of Heroin in wooden texture pipes mixed with Mulethi consignment. The said information was provided by Afghani National Abdul Wahid to accused No.4. Abdul Wahid also informed that once the consignment reaches to the Delhi godown, one of his person named Gulam Habib Afghani National will join accused No.4. Photos of Abdul Wahid and Gulam Habib were shown to accused No.4 and he identified the same. During the statement accused

No.4 also identified accused Nos. 3 and 5 when brought before him. Accused No.4 initially denied having any firm IEC on his or his family members name. He was shown copy of IEC in the name of Alareeb Enterprises. Accused No.4 informed that the said IEC Firm belongs to his wife. He was aware about the presence of Heroin in consignment. Therefore, accused No.4 used IEC of accused No.3 instead of his own IEC.

05. After recording the statement of witnesses, I made an application dated 16/09/2020 under Section 52-A of the NDPS, Act before Ld. MM 16th Court of Ballard Pier, Mumbai. Ld. MM Court granted date as 24/09/2020 for inventory. Accordingly, in the morning of 24/09/2020 Vikas Yadav arranged transportation. Thereafter, I along with Intelligence officer Vikas Yadav reached custom warehouse at Ballard Pier, Mumbai for taking custody of seized 191.60Kg Heroin stored in 18 blue colour drums. I handed over the authority letter signed by Deputy Director Yogesh Loke to Superintendent in-charge of the godown. I made entry in the godown register for taking custody of deposited seized material. Thereafter, we reached Ld. MM 16th Court of Ballard Pier, Mumbai at about 10.15a.m. Thereafter, as per the order we started inventory procedure before Ld. Metropolitan Magistrate at 10.30a.m. Initially, Ld. MM inspected seal of the 18 blue colour drums, which were found intact. Thereafter, we weighed first drum marked as 'A' on weighing machine. After noting down the weight of said drum it was opened. Thereafter, representative samples in original as well as duplicate weighing 15grams each were drawn

from the said drum. The said samples were placed in separate self sealing plastic pouches. Both the pouches were placed in green coloured envelope. The envelopes were marked as 'A/original and A1/duplicate. The envelopes also bear case details. The envelopes were sealed with DRI seal No.18 on three places of the envelope. Myself and Ld. MM have put signatures on the said envelopes. Thereafter, the broken seal of the drum was placed inside the drum. The drum was re-packed with red cloth and *Sutali* with yellow tag mentioning case details and bearing signatures of myself and Ld. MM. Seal No.18 was put on the said tag. Thereafter, we systematically repeated the same procedure to the rest 17 drums, which were marked from 'B' to 'R' respectively. Total 36 representative samples were drawn from 18 drums in the presence of Ld. MM. Necessary photographs during inventory have been taken by me and Vikas Yadav in my mobile phone. The inventory panchanama proceeding was started on 24/09/2020 from 10.30a.m. and concluded on the same day at 2.00p.m.

06. Now, I am shown inventory panchanama dated 24/09/2020. The contents therein are true and correct. It bears my signature and also bears signature of Ld.MM. The said inventory panchanama is marked as **Exh.P 203/PW 9**. Annexure-I of the said inventory panchanama contains details of seized drums. Annexure-I bears my signature. Annexure-I for samples of the said inventory panchanama contains details of sample drawn before Ld. MM. It bears my signature. Certificate issued by Ld. MM is also annexed with said inventory panchanama. Now, I am shown

photographs taken during inventory procedure process. The said photographs are same, which were taken from my mobile. The said photographs are collectively marked as **Exh.P. 204/PW 9.**

07. (Now I am shown 18 sealed envelopes of samples drawn from 18 drums marked as A-1/duplicate to R-18/duplicate. The seals on the said envelopes are intact. The said sealed envelopes are opened in the presence of accused, PW9, Spl.PP and Advocates for accused). The said each envelope contains duplicate samples weighing 15grams of Heroin drawn from blue colour drums. Now, I am shown the said samples, which are the same. Each envelope bears my signature. The said envelopes are serially marked as **MO No.4 to MO No. 21.**

08. Now, I am shown 18 yellow coloured tags. The said yellow tags were annexed 18 blue drums with the help of *Sutali* . The said yellow tags bear case details, weight of contraband substance and it also bear my signature. All 18 yellow tags are collectively marked as **M.O. No.22.**

On the oral request of the Spl.PP further chief-examination is deferred till next date.

R.O.A.C.

Panvel.
Dated : 30/03/2026.

(Santosh R. Chavan)
Addl. Sessions Judge, Panvel-Raigad.

Further Examination-in-Chief on oath
by Ld. Spl. APP Shri. Rushikesh Munde for prosecution.

09. After completing inventory panchanama, 18 drums were re-deposited at Custom warehouse Ballard Pier on 24/09/2020. Accordingly, I have made entry in the godown register. Now, I am shown certified copy Exh.P 176/PW6 of relevant page of register containing entry of re-depositing the drums. The said entry bears my signature. As per the direction of Deputy Director Yogesh Loke, I handed over original samples marked A/original to R/Original to Manoj Kumar Intelligence Officer. He deposited the said original samples at New Delhi CRCL for analysis. A-1/duplicate to R-18/duplicate remained with me. Later-on, said samples A-1/duplicate to R-18/duplicate were deposited in the Court.

10. During investigation of the said case, on 16/08/2020, at about 11.00a.m., I called two panch witnesses Santosh Ramane and Dnyaneshwar Sangale at DRI office New Marine Line Mumbai. In the presence of said two panch witnesses, forensic examination of data contained in seized hard disk WD, 500GB having serial No.WCC 2EVN 69661 was carried out by Cyber Forensic Examiner Mahesh Gurjar. Before starting the panchanama yellow sealed envelope was shown to the panch witnesses and thereafter, sealed was broken in the presence of panch witnesses. The said envelope was containing the said hard disk. After completing data analysis process hard disk was sealed in green envelope. Thereafter

panchas and myself put signature on the said envelope. Panchanama was started at about 11.00a.m and concluded at 1.30p.m. on the same day. Now, I am shown the said panchanama. Contents therein are true and correct. It bear signatures of panchas and also bear my signature. The said panchanama is marked as **Exh.P. 208/PW 9**. Data was retrieved from the said hard disk. The said retrieved data shows that accused No.4 made preparation for new consignment and he opened new Firm with forged documents. It was found in the hard disk that accused No.4 made false invoices for selling the Mulethi Liquorice Roots after separating from seized contraband, in the market.

11. (Now I am shown sealed envelope of hard disk. The seal on the said envelope is intact. The said sealed envelope is opened in the presence of accused, PW9, Spl.PP and Advocates for accused). The said envelope contains hard disk. The said envelope bears my signature and also bear signatures of two panch witnesses. Now, I am shown the said hard disk, which is the same. The said hard disk is marked as **MO No.23**.

12. I recorded statement of Giriraj Rathore, Manager of Best Roadways Limited. Before recording the statement I issued summons on 03/11/2020 under Section Section 67 of the NDPS, Act. Now, I am shown summons issued to Giriraj Rathore under Section 67 of the NDPS, Act. Contents therein are true and correct. It bears my signature. The said summons is marked as **Exh.P 209/PW9**. Accordingly, statement was recorded on 06/11/2020 at

DRI office, Mumbai. He stated that he transported two consignments of Sarvim Export from Mumbai to Delhi in December 2019 and January 2020. For booking of the said consignments Kondibhau Gunjal was the sole contact, who shared all the related documents of consignments and Sarvim Export. Accused No.2-Kondibhau Gunjal was having commission for arranging transportation. At the time of statement, witness Giriraj Rathore produced photo copies of his employee ID Card, Aadhar Card, Pan Card and tax invoice of bill No. NDH 015664 and NDH 012841, 2 roadways receipts, 2 E-way bills, account statement of Best Roadways Limited and KYC documents of Sarvim Export.

13. I recorded statement of Mohamad Asif Mohamad Afjal Shaikh, Proprietor of R.R. Roadways Transport. Before recording the statement I issued summons on 11/11/2020 under Section 67 of the NDPS, Act. Now, I am shown summons issued to Mohamad Asif Mohamad Afjal Shaikh under Section 67 of the NDPS, Act. Contents therein are true and correct. It bears my signature. The said summons is marked as Exh.P 210/PW9. Accordingly, statement was recorded on 11/11/2020 at DRI office, Mumbai. He stated that in April 2020 accused No.2 contacted him for transportation of goods from Mumbai to Delhi. Accused No.2-Kondibhau Gunjal forwarded transport related documents and KYC of Sarvim Export to him. In August 2020, accused No.2 contacted the said witness for transportation of consignment, but it was not materialized. The said consignment may be of seized

contraband. At the time of statement, witness Mohamad Asif Mohamad Afjal Shaikh produced photo copies of his Aadhar Card, Pan Card, invoice of bill, handwritten receipt signed by accused No.4 and bank statement.

14. On 25/01/2021, I issued letter to IDBI Bank, Nariman Point branch for the account of M B Shipping and Logistic. Now, I am shown the said letter. The contents in it are true and correct. It bears my signature. The said letter is marked as Exh.P. 211/PW9. Accordingly, on the same day the bank has given copy of account statement of M B Shipping and Logistic. Now, I am shown the said account statement. Contents therein are true and correct. Each page of the said account statement bears seal of the said bank. It is marked as Exh.P. 212/PW9.

On the oral request of the Spl.PP further chief-examination is deferred till next date.

R.O.A.C.

Panvel.
Dated : 31/03/2026.

(Santosh R. Chavan)
Addl. Sessions Judge, Panvel-Raigad.