



**Order Below Exh.5**  
**in Spl. Case (NDPS) No.212/2023)**

1. This application is filed u/s.227 of the Criminal Procedure Code, 1973 by accused No.2 **Okechukulu Okeke Linus @ Oke Patric Chibuzo @ Obama** for discharge.
2. Say of State of Maharashtra was called upon. Say is filed at exh.15 & application is strongly objected.
3. Heard.
4. Ld. advocate for accused submitted that accused is falsely implicated. He is arrested for the reason that he is foreign national & in charge-sheet there is no evidence to connect the accused with crime. He is innocent.
5. Addl. P. P. submitted that accused has antecedence & two offences under NDPS Act are registered against him at Kharghar Police Station. Contraband was found in his possession & there is sufficient material against him for framing charge.
6. FIR shows that on 10<sup>th</sup> July 2023, police received credible information that one person is coming at Bonzer Leelac Society at Kharghar to sell drugs. Trap was arranged with the help of panchas. At about 02.00 a.m accused No.1 came there. He was accosted. He was informed about his right of search u/s.50 of the NDPS Act. In personal search of accused No.1 Methaqualone weighing 53.56 gm. was found in his possession.



7. During investigation of accused No.1, it is revealed that seized contraband was provided by present accused. Accused No.1 has disclosed name of present accused as supplier of contraband. Present accused was in judicial custody in another crime & as his involvement was revealed in present case, his custody was taken by the police. Other two accused are also arrested in connection with present crime.
8. Present accused is foreign national. If facts & material on record is considered then there is prima-facie case against accused. If grounds for discharge are considered then in application only five general grounds are mentioned and there is no elaboration as to how applicant is not concerned with the crime.
9. Record shows that charges against accused are not groundless. Accused has antecedents. At present there is no need to go into pros & cons of the case. Roving inquiry is not expected and strong suspicion is sufficient to frame the charge. There is no merit in the application & same is liable to be rejected. As a result, I pass following order.

**ORDER**

Application is rejected.

Panvel  
Date - 09/10/2024

Sd/-  
(S. C. Shinde)  
Addl. Sessions Judge  
Panvel, Dist.-Raigad