

MHRG170020942022	SPECIAL CASE NO.173/2022 Union of India Vs. Devinder Pritam Singh CNR NO. MHRG170020942022
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ORDER BELOW EXH.1

1. Learned SPP has filed draft charge and accordingly the defence was called upon to make submissions. However learned advocate for the accused has remained absent and therefore the matter has been taken for passing order on the point of framing charge.
2. Upon perusal of the record, it is found that there is prima facie material to show that accused had illegally imported 29 kg Heroine, which falls under the category of commercial quantity. Therefore, prima facie ingredients for the offence punishable under Section 8(c), 22(c), 23(c) and 29 of the NDPS Act, are attracted.
3. So far as, the offence punishable under Section 25 of the Act is concerned, learned SPP Mr. Mishra has submitted that since accused had permitted to store the contraband in his own premises the offence punishable under Section 25 of the Act is also attracted. I am not in agreement with the submission made by the learned SPP, since the owner of the property, being the accused cannot be said to have

permitted to store the contraband and therefore I am of the view that prima facie offence under Section 25 of the Act is not attracted.

4. In this view of the matter I am of the view that prima facie case is made out for framing charge for the offence punishable under Section 8(c), 22(c), 23(c), 27A and 29 of the NDPS Act. Hence, I proceed to pass following order.

ORDER

1. The charge is ordered to be framed against the accused for the offence punishable under Section 8(c), 22(c), 23(c), 27A and 29 of the NDPS Act.
2. The accused is discharged of the offence punishable under Section 25 of the NDPS Act.

Panvel,
Dated :- 24/09/2025

(Dinesh E. Kothalikar)
Special Judge, Panvel,
Dist-Raigad.