

MHRG170021072021



SPECIAL CASE NO.183/2021

**The State of Maharashtra
Vs.
Prabhjit Singh and 4**

CNR NO. MHRG170021072021

ORDER BELOW EXH.1

1. Perused record. Heard learned advocates M/s Mahesh Gunjal and Indrajeet Bhosale for the accused.
2. Learned SPP has placed on record draft charge for the offence punishable under Sections 8(c), 21(c) read with 29, 25, 23(c), 27(a) and 28 of the NDPS Act.
3. Upon perusal of the police papers I am satisfied that accused Nos.1 to 5 have conspired to import consignment from Nhava Sheva to Shivpuri by M/s. Sandhu Export and that accused Nos.2 to 4 used to look after the loading, unloading and warehouse of the import consignment and that accused No.1 had taken godowns on rent for the purpose of storage of imported consignment and that he had made payment.
4. Further upon perusal of the police papers it is found that prima facie there is material on record to show that accused No.2 had received monetary benefits from accused No.4 on various occasions and that accused No.5 Manjit was involved in the distribution network of the cartel.

5. Thus, on the basis of the material available on record I am satisfied that there is prima facie material on record to establish that accused Nos.1 to 5 with others have conspired to import commercial quantity of Heroine, to transport, to store and to supply inter-State imported drugs.
6. So far as the offence punishable under Section 25 of the Act is concerned, it deals with for an owner, occupier, or someone in control of a property or conveyance to knowingly allow it to be used for committing a drug-related offence. In the case in hand, it does not appear that the prosecution has come with the case that either of the accused knowingly allowed the co-accused to use the property. Storage of drugs and allowing to store the drugs are two different aspects. When the prosecution has come with the contention that the accused have conspired to store the drugs, the question of allowing the others by them to store the drugs does not arise at all. Therefore, I am of the view that prima facie material ingredients to attract the offence punishable under Section 25 of the Act are missing and as such charge for the same cannot stand.
7. In the wake of above, I am satisfied that prima facie case for framing charge for the offences punishable under Sections 8(c), 21(c), 23, 27(a), 28 read with 29 of the NDPS Act and thus charge needs to be framed against accused Nos.1 to 5 for the aforesaid offences. Consequently, I pass following order.

:: ORDER ::

- 1) Charge is ordered to be framed against accused Nos.1 to 5 for the offences punishable under Sections 8(c), 21(c), 23, 27(a), 28 read with 29 of the NDPS Act.

**Place : Panvel.
Date : 31/12/2025**

**(Dinesh E. Kothalikar)
Special Judge (NDPS), Court No.2,
Panvel, Dist. Raigad.**