

CHARGES WITH SIX HEADS

[No. XXVII (II), SCHEDULE V, ACT V, 1808]

Sections 221, 222, 223, Code of Criminal Procedure.

I, (i) **Shri Manoj Kumar Prasad,**
Additional District & Sessions Judge, 3rd Court -cum-ADJ,
Special (NDPS) Court,
Balurghat, Dakshin Dinajpur.

hereby charge you

1.Barun Sarkar, 2. Munna Sarkar @ Pinu, 3. Pintu Halder, 4. Pijush Shil, 5. Amit Roy, 6. Nilu Adhikary @ Bhando, 7. Ashok Jadab & 8. Alip aha Puchka

as follows:-

Firstly--- That on 13.12.2017 in between 22.45 hrs to 23.35 hrs at Kaldighi Battala under PS Gangarampur, Dist. Dakshin Dinajpur, police personnel of Gangarampur PS apprehended Barun Sarkar, Munna Sarkar @ Pinu, Pintu Halder, Pijush Shil, Amit Roy and found that tried to smuggle 125 nos. of phensedyl bottles containing "Codeine and Chlorpheniramine" amounting to commercial quantity with the help of Nilu Adhikary @ Bhando, Ashok Jadab, Bapi Das & Alip aha Puchka without any valid documents for the purpose of sell or transport and you all have thereby committed an offence punishable **U/S.21(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Secondly--- That on 13.12.2017 in between 22.45 hrs to 23.35 hrs at Kaldighi Battala under PS Gangarampur, Dist. Dakshin Dinajpur, police personnel of Gangarampur PS apprehended Barun Sarkar, Munna Sarkar @ Pinu, Pintu Halder, Pijush Shil, Amit Roy and found that tried to smuggle 125 nos. of phensedyl bottles containing "Codeine and Chlorpheniramine" amounting to commercial quantity with the help of Nilu Adhikary @ Bhando, Ashok Jadab, Bapi Das & Alip aha Puchka without any valid documents for the purpose of sell or transport and you all have thereby committed an offence punishable **U/S.22(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Thirdly--- That on 13.12.2017 in between 22.45 hrs to 23.35 hrs at Kaldighi Battala under PS Gangarampur, Dist. Dakshin Dinajpur, police personnel of Gangarampur PS apprehended Barun Sarkar, Munna Sarkar @ Pinu, Pintu Halder, Pijush Shil, Amit Roy and found that tried to smuggle 125 nos. of phensedyl bottles containing "Codeine and Chlorpheniramine" amounting to commercial quantity with the help of Nilu Adhikary @ Bhando, Ashok Jadab, Bapi Das & Alip aha Puchka without any valid documents for the purpose transship, export or import and you all have thereby committed an offence punishable **U/S.23(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Fourthly--- That on 13.12.2017 in between 22.45 hrs to 23.35 hrs at Kaldighi Battala under PS Gangarampur, Dist. Dakshin Dinajpur, police personnel of Gangarampur PS apprehended Barun Sarkar, Munna Sarkar @ Pinu, Pintu Halder, Pijush Shil, Amit Roy and found that tried to smuggle 125 nos. of phensedyl bottles containing "Codeine and Chlorpheniramine" amounting to commercial quantity with the help of Nilu Adhikary @ Bhando, Ashok Jadab, Bapi Das & Alip aha Puchka without any valid documents for the purpose transship, export or import and you all have financed the said illicit traffic and you all have thereby committed an offence punishable **U/S.27A of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Fifthly--- That on 13.12.2017 in between 22.45 hrs to 23.35 hrs at Kaldighi Battala under PS Gangarampur, Dist. Dakshin Dinajpur, police personnel of Gangarampur PS apprehended Barun Sarkar, Munna Sarkar @ Pinu, Pintu Halder, Pijush Shil, Amit Roy and found that tried to smuggle 125 nos. of phensedyl bottles containing "Codeine and Chlorpheniramine" amounting to commercial quantity with the help of Nilu Adhikary @ Bhando, Ashok Jadab, Bapi Das & Alip aha Puchka thus you all have attempted to commit an offence punishable under the NDPS Act or to cause such offence to be committed and in such attempted did any an act, and you both have thereby committed an offence punishable **U/S.28 of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Sixthly--- That on 13.12.2017 in between 22.45 hrs to 23.35 hrs at Kaldighi Battala under PS Gangarampur, Dist. Dakshin Dinajpur, being a party to a criminal conspiracy to commit an offence punishable under the provision of NDPS Act and you all have thereby committed an offence punishable **U/S.29 of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

The contents of the charges are read over and explained to the accused persons in Bengali to which they pleads **not guilty** and claims to be tried.

Dated, the 09th day of October, 2023.

**Special Judge (under NDPS ACT)-
cum-ADJ, 3rd Court,
Balurghat,Dakshin Dinajpur.**

In the Court of the Additional District & Sessions Judge, 3rd Court,
Dakshin Dinajpur at Balurghat
Special Case No.69 of 2017 (Computer Registration No.306/2017)
(Session Trial No. 137/2023) CNR No.WBDD01-000306-2017.
Present :- Manoj Kumar Prasad (J.O Code No.WB 00779).

Order No.01
09.10.2023

All the accused persons namely 1.Barun Sarkar, 2. Munna Sarkar @ Pinu, 3. Pintu Halder, 4. Pijush Shil, 5. Amit Roy, 6. Nilu Adhikary @ Bhandu, 7. Ashok Jadab & 8. Alip aha Puchka are on court bail are present by filing hazira.

Today is fixed for consideration of charge.

The learned P.P-in-charge and the learned advocate for the accused persons are present.

Record is taken up for framing of charge.

Heard both sides. Perused the materials on record and the case diary. Considered.

Considering C.D. and material on record, it appears that a prima facie charge under Sections **21(c)/22(c)/23(c)/27A/28/29 of N.D.P.S** Act is made out against accused persons namely 1.Barun Sarkar, 2. Munna Sarkar @ Pinu, 3. Pintu Halder, 4. Pijush Shil, 5. Amit Roy, 6. Nilu Adhikary @ Bhandu, 7. Ashok Jadab & 8. Alip aha Puchka

The contents of charge, is read over and explained to the accused persons to which they pleaded **not guilty** and claimed to be tried.

Formal charge is written in separate sheet and kept in the record.

Heard both sides in order to ascertain if they wish to carry out admission of any document under Section 294 of the Cr.P.C. The accused refused to carry out any such admission.

Fix 14.03.2024 for evidence of CSW No.1 and 8.

15.03.2024 for evidence of CSW No.3 and 4.

16.03.2024 for evidence of CSW No.2 and 5.

18.03.2024 for evidence of CSW No.6 and 7.

Issue Summon accordingly.

Dictated & corrected by me

Special Judge (under NDPS ACT)-
cum-ADJ, 3rd Court,
Balurghat,Dakshin Dinajpur.

Special Judge (under NDPS ACT)-
cum-ADJ, 3rd Court,
Balurghat,Dakshin Dinajpur.