

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE  
CUM- SPECIAL JUDGE,  
FOURTH COURT, PASCHIM MEDINIPUR.**

**Present : Smt Mandakranta Saha  
Judge, Special Court, N.D.P.S. Act  
4<sup>th</sup> Court, Paschim Medinipur (JO Code- WB 0825)**

**NDPS Case No. 11/2021 (CIS-11/2021)  
Trial No. 02 (0102022)  
C.N.R. No.-WBWM01-004010-2021**

**Ref : Dantan PS Case No. 155/2021 dated 22.05.2021 u/s 20 (b)(ii) (C) /  
29 of NDPS Act, 1985.**

**STATE OF WEST BENGAL**

**-Vs.-**

- 1. Rohit Sharma @ Rahul**
  - 2. Pritam Das @ Babu**
- .....Accused Persons .**

**Sri Saktipada Das Adhikary**

..... Ld P.P.-in-Charge.

**Sri Arindam Nanda**

**&**

**Sri Joydip Mahapatra**

..... Ld Advocate for Defence

**Date of delivery of Judgment: 22<sup>nd</sup> April, 2022**

**J U D G E M E N T**

The factual matrix leading to initiation of the proceeding in brief is that on 22.05.2021 SI Biswajit Mondal at around 14:45 hours received a source information that one Bolero Pick-up van bearing registration no. WB-11E/9805 with contraband Ganja/ Cannabis was coming from Jalasore, Odisha side towards Dantan shortly. Upon obtaining such information a G.D. Entry was recorded vide Dantan Police Station G.D. Entry No. 895 dated 22.05.2021 and conveyed the message to Inspector-in-Charge Dantan Police Station. Thereafter, under instruction of Inspector-in-Charge, Dantan Police Station, Sub-Inspector Biswajit Mondal with his police force Left Dantan Police Station to work out the information with seal, white paper, rope,

stationery, weighing machine etc. vide command certificate no. 1799/2021 dated 22.05.2021 and Dantan Police Station G.D.Entry No. 895 dated 22.05.2021. On arrival at Gholai More on NH-60 at 15:15 hrs. the defacto-complainant requested two local persons to become witnesses of the incident of raid. At about 15:45 hours they notice one Bolero Pick-up van bearing registration No. WB-11E/9805 from Odisha side along NH-60. Accordingly, at the instruction of Sub-Inspector Biswajit Mondal, his police force intercepted the said Bolero Pick-up van and found two persons sitting inside the vehicle. Thereafter, defacto-complainant disclosed his identity as well as the identity of those two local witnesses. It is further narrated that the detainees were informed that search, if they want, can be done in presence of gazetted officer of police or a Magistrate. On the basis of their reply, Joint B.D.O., Dantan Block-I was called upon to the P.O. who reached there at 16:15 hours. Thereafter, defacto-complainant served notice u/s 50 of N.D.P.S. Act to the accused persons regarding the right to personal search in presence of the Gazetted Officer as well as offered the detainees to search the persons of raiding team. They declined to such offer. Thereafter, on searching the vehicle, Cannabis/ Ganja contained in two sacks were found from under the seat of the car. On weighing those packets it was found that the total weight of contraband articles in two sacks was 71. 4 Kg . The defacto-complainant marked the packets in alphabets as well as seized those packets and the car along with PAN card being No. ODQPS3677J and Aadhar Card being No. 947641306164 and cash of ₹ 5,070/- in presence of the local witnesses and accused persons. They were, thereafter, arrested and brought to the Police Station with contraband articles and vehicle on being failed to produce any valid document justifying their possession of such contraband articles.

These entire transaction was found to be illicit trafficking of cannabis @ Ganja. On returning to PS, SI Biswajit Mondal lodged written complaint which was registered as Dantan PS Case No. 155/2021 dated 22.05.2021 u/s 20 (b)(ii) (C) /29 of NDPS Act, 1985.

After completion of investigation charge sheet in final form was submitted against both the accused persons, namely, Rohit Sharma @ Rahul and Pritam Das @ Babu u/sec 20 (ii) (C) / 29 of NDPS Act, 1985.

Charge was framed u/sec 20 (b)(ii) (C) /29 of the NDPS Act against both accused persons, namely, Rohit Sharma @ Rahul and Pritam Das @ Babu. They pleaded not guilty and claimed to be tried.

This Court being the Special Court held trial of the case.

Prosecution has examined total 8 (eight) witnesses for proving the case. The accused persons were examined u/sec 313 Cr.P.C. They claimed themselves as innocent.

No evidence from the side of the defence is adduced.

#### **Points for Determination**

Whether the prosecution has been able to prove the offence u/sec 20 (b) (ii) (C) /29 of the NDPS Act against the accused persons beyond reasonable doubts?

#### **List of Witnesses Examined**

- i) Sub-Inspector Biswajit Mondal as P.W-1 (defacto-complainant);
- ii) A.S.I. Toton Haldar, as P.W-2;
- iii) Constable Jhumur Singh as P.W.-3;
- iv) N.V.F Laltu Biswas as P.W.- 4;
- v) Shubhankar Mahapatra as P.W.- 5;
- vi) Mani Sankar Senapati as P.W-6;
- vii) Constable Tarapada Roy as P.W.- 7;
- viii) Sub-Inspector Rajesh Chandra Kar as P.W.- 8;

#### **Exhibited Documents**

- 1) Notices u/s 50 of N.D.P.S. is marked as Ext. 1 ;
  - Notice u/s 50 of N.D.P.S. is marked as Exhibit- 1/1;
- 2) Seizure list dated 22.05.2021 is marked as Exhibit- 2;
  - Seizure list dated 22.05.2021 marked as Exhibit- 2/1;
  - signature of P.W.- 5 on Exhibit- 2 is marked as Exhibit- 2/2;
  - signature of P.W.- 5 on Exhibit- 2/1 is marked as Exhibit- 2/3;
  - signature of P.W.- 6 on Exhibit- 2 is marked as Exhibit- 2/4;
  - signature of P.W.- 6 on Exhibit- 2/1 is marked as Exhibit- 2/5
- 3) Labels made by Carbon process are marked as Exhibit- 3 to Exhibit- 3/14;
  - Signature of P.W.- 5 on Exhibit- 3 to Exhibit- 3/14 is marked as Exhibit- 3 series:

- Signature of P.W.- 6 on Exhibit- 3 to Exhibit- 3/14 is marked as Exhibit- 3 series;
- 4) Original Labels are marked as Exhibit- 4 and Exhibit- 4/1;
    - Signature of P.W.- 5 on Exhibit- 4 is marked as Exhibit- 4 series;
    - Signature of P.W.- 6 on Exhibit- 4 is marked as Exhibit- 4 series;
  - 5) Label pasted on sealed envelope is marked as Exhibit- 5;
  - 6) Label pasted on another sealed envelope is marked as Exhibit- 6 ;
  - 7) Label pasted on envelope containing voter identity card of accused Rohit Sharma is marked as Exhibit- 7;
  - 8) Label pasted on envelope containing PAN Card of Rohit Sharma is marked as Exhibit- 8;
  - 9) Label pasted on envelope containing Aadhar Card of Rohit Sharma is marked as Exhibit- 9;
  - 10) Label pasted on envelope containing Indian currency notes is marked as Exhibit- 10;
  - 11) Label pasted on envelope containing SAMSUNG smart phone is marked as Exhibit- 11;
  - 12) Label pasted on envelope containing SAMSUNG Keypad phone is marked as Exhibit-12;
  - 13) Label pasted on envelope containing Redmi smart phone is marked as Exhibit- 13;
  - 14) Entire written complaint is marked as Exhibit- 14;
    - Endorsement with signature of A.S.I. Mrinal Kanti Dey is marked as Exhibit- 14/1;
  - 15) Signature of A.S.I. Mrinal Kanti Dey on formal F.I.R. is marked as Exhibit- 15;
  - 16) Rough sketch map with index are marked as Exhibit-16 series ;
  - 17) The certificate of correctness dated 13.03.2019 along with inventory is marked as Exhibit- 17;
  - 18) Report by Central Forensic Science Laboratory is marked as Exhibit- 18;

#### **Material Exhibits**

1. Sample 25 Gram of Cannabis is marked as Mat Exhibit- I;
2. Sample 25 Gram of Cannabis is marked as Mat Exhibit- II;
3. Original voter identity card of Rohit Sharma is marked as Mat. Exhibit- III;
4. Original PAN card of Rohit Sharma is marked as Mat. Exhibit-IV;

5. Original Aadhar card of Rohit Sharma is marked as Mat. Exhibit-V;
6. Original currency notes of ₹. 500/-, ₹ 100/-, ₹ 20/- and ₹. 10/- are marked as Mat. Exhibit- VI to Mat. Exhibit- VI/5.
7. SAMSUNG Smart Phone is marked as Mat. Exhibit- VII;
8. SAMSUNG Keypad Phone is marked as Mat. Exhibit- VIII;
9. Redmi Smart Phone is marked as Mat. Exhibit- IX;

### **DECISION WITH REASONS**

It is the duty of the prosecution to establish the charge of offence against the accused by leading cogent and reliable evidence. Now, let's see how far the prosecution has been able to bring home the charges labeled against the accused beyond reasonable doubts.

The instant case centers around or based upon process of search, seizure and proving of seized alleged contraband substances.

The chemical analysis report (Exbt 18) proves that seized articles are prohibited substances. However, such report ipso facto does not prove that accused persons are guilty of possessing contraband articles until the process of seizure and search are proved by prosecution.

The FIR speaks that accused persons were moving by a Bolero Pick-up van bearing No. WB-11E/9805 from the side of Jalasore, Odisha towards Gholai More with contraband articles.

PW 1 (defacto- complainant) deposed that upon receiving secret source information approximately at 14:45 hours that accused persons were moving by Bolero Pick-up van, recorded the information in General Diary of the Police Station vide G.D.Entry No. 895 dated 22.05.2021 as well as informed Inspector-in-Charge Dantan Police Station about such information. Under his direction Sub-Inspector Biswajit Mondal along with police force of Dantan Police Station at 14:45 hours left the Police Station to work out the information. At 15:50 hours the police force reached Gholai More and some local persons were approached to become witnesses. Accordingly, in presence of the local witnesses at 15:45 hours he stopped the vehicle and found two persons , namely, Rohit Sharma @ Rahul sitting on driver's seat and Pritam Das @ Babu was sitting beside him. P.W.- 1 then served notice u/s 50 upon the accused persons thereby asking their option to be searched in presence of Gazetted officer or Magistrate. He immediately called upon B.D.O. Dantan, Block-I to be present during personal search of the accused persons but he

refused. Thereafter, Joint B.D.O., Dantan, Block-I , namely, Sri Tarak Adhikary reached Gholai More for the purpose of personal search. P.W.- 1 in presence of Joint B.D.O. offered both detainees to search the persons of raiding team members but they declined. In presence of Joint B.D.O., Dantan, Block-I, the vehicle was searched, and two sacks from Cargo part of vehicle containing Ganja were recovered. P.W.- 1 then took weight of each of the sacks and found one sack containing 36 Kg. 150 grams of Ganja and another sack contained 35 Kg. 250 Grams. He thereafter, drew samples of 25 grams of Ganja from each sack. He, then, seized the sacks, Tripole as well as Bolero Pick-up van. P.W.- 1 further seized mobile handset, cash of ₹. 8070/. These articles including the vehicle were then seized on spot in presence of the witnesses and Joint B.D.O. Dantan, Block-I. P.W.- 1 further stated that he had prepared labels of the seized articles and pasted on the seized alamaths.

In cross-examination P.W.- 1 adduced that there are several shops on the P.O. and the P.O. is populated one. P.W.- 1 further stated that in seizure list (Exhibit- 2) it is stated that Item No. i and Item No. ii are big size sacks sealed with cloths. P.W.- 1 further admitted that in both notices there is no statement in Bengali that accused persons have right to be searched in presence of independent Gazetted Officer.

A.S.I. Toton Haldar (P.W.- 2) claims to be a participant of the raiding team in connection with incident dated 22.05.2021 which is under adjudication. He adduced that on the very date he had accompanied Sub-Inspector Biswajit Mondal , other police force of Dantan Police Station and intercepted the vehicle including two persons inside the vehicle. P.W.- 4 further stated that the vehicle was loaded with huge quantities of Ganja. On searching the vehicle two sacks were recovered which contained Ganja. Thereafter, Inspector-in-Charge of Dantan Police Station was informed and he in turn, informed Joint B.D.O. Dantan, Block-I. Both of them subsequently reached the P.O. Thereafter, the sacks were seized including Ganja and brought to the Police Station. The persons inside the vehicle were arrested. The witness failed to identify the accused persons.

In cross-examination P.W.- 2 adduced that after completion of recovery of sacks, Inspector-in-Charge, Dantan Police Station and Joint B.D.O. reached the spot. P.W.- 2 admitted that there are several shops beside Gholai More.

Constable Jhumur Singh (P.W.-3) deposed that on 22.05.2021 approximately at 2:00 AM he along with police force of Dantan Police Station reached Gholai More where a Pick-up van bearing No. WB-11E/9805 containing Ganja was intercepted. Two packets were found from the vehicle which contained Ganja. P.W.- 3 failed to say whether or not any person reached the P.O. after recovery of Ganja. He further adduced that on seeing Ganja the police force brought the vehicle along with the detainees to the Police Station. He identified the accused persons on dock but at the same time adduced that after the arrest of the accused persons he never saw them on any other date.

N.V.F Laltu Biswas (P.W.- 4) adduced that after 2:45 PM of 22.05.2021 he along with police force of Dantan Police Station reached Gholai More where a Bolero Pick-up van bearing No. WB-11E/9805 was intercepted under the direction of Inspector-in-Charge of Dantan Police Station and Sub-Inspector Biswajit Mondal. On searching the vehicle two sacks were found from the cargo part of the vehicle. Those sacks contained Ganja. It was seized and brought to the Police Station. He failed to identify the accused persons. He admitted “ **It is a fact that seizure and labelling of contraband articles occurred at Police Station**”.

Constable Tarapada Roy (P.W.- 7) adduced that at 2:30 PM of 22.05.2021 he along with police force of Dantan Police Station reached Gholai More where a Bolero Pick-up van bearing No. WB-11E/9805 was intercepted and with two persons inside the vehicle. Two sacks were found inside the vehicle containing Ganja which were seized and two persons were arrested.

On careful scrutiny of the evidence of P.W.- 1 along with the oral testimonies of above referred witnesses (P.W.- 2 to P.W.- 4 and P.W.- 7). It is available from oral evidence of defacto-complainant that he on intercepting the Bolero Pick-up van, immediately acknowledged the persons inside the vehicle of the information of transporting of contraband articles as well as made them aware of their right to be searched in presence of Executive Magistrate or Gazetted Officer. He, accordingly, called upon Joint B.D.O. Dantan, Block-I , namely, Tarak Adhikary. In his presence as well as in presence of Inspector-in-Charge, Dantan Police Station the accused persons were searched personally and cash of ₹ 8070/- including several mobile handsets were recovered from various parts of their bodies. He, thereafter ,

searched the vehicle and found two sacks containing Ganja. On recovery of contraband articles he proceeded to follow the procedure of weighing those articles as well as preparing labels, seizure list and drawing of samples.

These testimonies of defacto-complainant find no corroboration from any of the witnesses who were parts of the raiding team on the day of incident. It is evident from their testimonies that no acknowledgement of right u/s 50 of N.D.P.S. Act to the accused persons took place at the instance of the defacto-complainant. Their evidence further reveals that apart from two sacks no other articles viz. mobile handsets, cash etc. have been recovered from possession of the accused persons.

It is pertinent to state here that P.W.- 2, P.W.- 4, who were present during the occurrence of incident in question, failed to identify the accused persons from whom the alleged recovery of contraband articles took place during their examination as witness. Such failure on the part of those vital witnesses are no doubt, serious flaws on the part of prosecution.

The evidence of P.W.- 2 reveals that incident of search and recovery of contraband articles took place before arrival of Joint B.D.O. Dantan Block-I. His testimonies quoted above, reveal that after recovery of sacks the executive officer as well as Inspector-in-Charge Dantan Police Station reached the P.O.. Such testimony of P.W.- 2 contradicts the evidence of P.W.- 1 that he in presence of the officers referred above, searched the vehicle and recovered contraband substances.

Again , evidence of P.W.- 3 does not state as to from which part of the vehicle packets containing Ganja were recovered. It is further found from his testimony that only on seeing Ganja, the vehicle along with the accused persons were brought to the Police Station. He deposed “There were two persons in the vehicle. Upon seeing the Ganja we brought it to the Police Station.” This piece of testimony falsifies the case of prosecution as well as evidence of P.W.- 1 that vehicle was searched, contraband articles were recovered, seized, labelled and samples were drawn at the place of occurrence . The evidence of P.W.- 3, in this regard speaks that no statutory formalities were complied with on finding out contraband substances inside the vehicle which was allegedly plied by accused persons. P.W.- 4, on this matter, corroborated the version of P.W.- 3. P.W.- 4 adduced **“We on searching found two sacks from back side of the vehicle where goods are loaded. Those two sacks contained packets. The packets contained**

**Ganja. We thereafter along with Ganja went to Police Station after seizing the same.”** These testimonies of P.W.- 4 also contradict the prosecution case as well as the version of P.W.- 1 that on recovery of contraband articles, the same was seized, sealed, labelled and samples were drawn as well at the P.O.. On the contrary, P.W.- 4, in cross-examination, admitted “ **it is a fact that seizure and labelling of contraband articles occurred at Police Station.**” Such admission in cross-examination, in fact, hits the core of prosecution case and thereby makes the entire prosecution case doubtful and suspicious. The evidence of P.W.- 7 further transpires that no statutory requirements of law were followed with on intercepting the Bolero Pick-up van bearing No. WB-11E/9085. None of these witnesses ever stated that in their presence contraband articles as well as other materials found on personal search of the accused persons as well as the vehicle were seized on preparing seizure list and the witnesses (P.W.- 5 and P.W.- 6) have put their signatures thereon. In fact, their oral evidences reflect that no part of the process of search and seizure as well as labelling and drawing of samples occurred at the P.O.. These witnesses made no whisper in their evidence with regard to seizure of Mobile handsets, cash of ₹ 8070/-, Aadhar Card, PAN Card and voter identity card of Rohit Sharma, as narrated by P.W.- 1 in his evidence. There is no doubt that oral evidence of P.W.- 1 in its entirety is contradicted by all police personnels who were present during alleged raid followed by search and seizure of contraband articles.

P.W.- 5 and P.W.- 6 seizure witnesses. Both of them failed to identify the accused persons during their evidence. Their evidence are cryptic in nature. Both of them adduced that police officers of Dantan Police Station intercepted a vehicle at Gholai More but none of them could say the registration number of such vehicle. Their evidence simply speaks that police on searching the vehicle found Ganja and prepared seizure list and they had signed on them. P.W.- 5 failed to say the quantum of contraband articles recovered nor he could say the manner of storing of such contraband substances in the vehicle or from which part of the vehicle it was recovered. P.W.- 5 only stated that mobile phone, cash and Ganja were recovered from the vehicle which is not corroborated by P.W.- 6. They did not mention as to how Ganja was kept in the vehicle. Their testimonies contained no whisper of any sack or packets containing Ganja inside the vehicle as deposed by P.W.- 1 and other witnesses. P.W.- 5 and P.W.- 6, being seizure witnesses of this

case, have contradicted the story given in F.I.R. as well as the evidence of P.W.- 1 in material particulars. Such evidence of P.W.- 5 and P.W.- 6, in no manner, establishes the factum of recovery and seizure of contraband articles from the Bolero Pick-up van by defacto-complainant with other police personnel of Dantan Police Station.

It is pertinent to state here that though defacto-complainant stated about search and seizure of contraband articles in presence of Tarak Adhikary, Joint B.D.O. Dantan Block-I, he has not been summoned to depose for corroborating the evidence of P.W.- 1.

Furthermore, there is no case of the prosecution that contraband articles were recovered from the bodies of the accused persons. Rather, it is stated in the F.I.R. and adduced in evidence that contraband articles were recovered from vehicle. Thus, in view of such factual aspect, there is no application of Section 50 of N.D.P.S. Act.

Sub-Inspector Rajesh Chandra Kar (P.W.- 8) being I.O. of this case, adduced that he had not examined any owners of shops which are situated at the vicinity of P.O.. His evidence further discloses that no G.D.Entry of the Police Station has been seized in connection with this case.

There is no investigation to establish that G.D.Entry No. 895 dated 22.05.2021 has given rise to the Dantan Police Station Case No. 155/2021 dated 22.05.2021. The relevant G.D.Entry has not been produced in evidence to show that in reality on 22.05.2021 during afternoon hours the defacto-complainant received credible source information with regard to commission of an offence under the N.D.P.S. Act. The seizure list (Exhibit-2), labels (Exhibit- 3 series and Exhibit- 4 series) cannot be relied upon as both seizure witnesses (P.W.- 5 and P.W.- 6) never adduced that in their presence the alleged search, seizure as well as labelling of contraband articles occurred. These documents are actually not proved in law. The rough sketch map with index (Exhibit- 16 series) have not much importance in adjudicating the case. Furthermore, it is evident from Exhibit- 16 (sketch map only) that in the vicinity of P.O. there are several structures showing inhabitation of local persons but Exhibit- 16/1 is completely silent in this regard. Thus, it is clear that Exhibit- 16/1 has contradicted Exhibit- 16. The oral evidence of various corroborative witnesses speak that several shops are situated in the vicinity of the P.O.. Thus, despite having the chance of calling upon the nearby shop owners, to be present during search and seizure, the defacto-complainant did

not call them upon nor assigned plausible explanation in this regard. Prosecution did not take endeavour to produce registration certificate for showing the actual ownership of the seized vehicle on the date of incident in question. No explanation is assigned by the prosecution for such failure to produce the documents, that is, registration certificate of the vehicle. In fact, no evidence is adduced to establish that accused persons are owners of the vehicles in which they were allegedly carrying contraband substances. The oral evidence of P.W.- 8 (I.O.) shows that he is silent on this subject and he did no investigation to find out the actual ownership of the vehicle. Consequently, the ownership of alleged seized vehicle is under doubt and not proved. Moreover, the vehicle was not produced to prove that it was actually seized by defacto-complainant on the given date, time and place.

The evidence of I.O. further discloses no compliance of Section 57 of N.D.P.S. Act. P.W.- 8 discloses that he, in course of investigation, did not seize property register showing the place of storage of seized contraband articles after it was brought to the Police Station from the place of occurrence. It is now the settled position in law that contraband articles must be stored in central Malkhana under proper locking system. Such evidence of P.W.- 8 creates doubt as to whether the seized contraband articles got contaminated with other articles before the samples were sent for forensic examination.

The certificate of inventory issued by concerned Magistrate is produced in trial and admitted in evidence that but such certificate itself does not prove the process of search and seizure of contraband articles from possession of the accused persons. Moreover, during trial the samples drawn at the P.O. are not shown to any of the corroborative witnesses including P.W.- 5 and P.W.- 6.

It is also not established in law that cash of ₹. 8070/- found from possession of accused persons is the sale proceeds of contraband articles, nor there is any evidence to establish that seized mobile phones have been used for illegal trafficking of contraband substances. Consequently, the ingredients of Section 29 of N.D.P.S. Act are not proved.

The evidence discussed above consists of so glaring contradictions that credibility of witnesses as well as credibility of case of prosecution are under doubt and suspicion. Therefore , the witnesses cannot be believed.

It is evident that the process of search and seizure of contraband articles completely failed. There is no iota of evidence to establish the ingredients of Section 29 of N.D.P.S. Act.

Thus, the prosecution has failed to establish the offence u/sec 20 (b)(ii) (C)/ 29 of NDPS Act against the two accused persons beyond shadow of reasonable doubts.

They are found not guilty.

Hence, it is

### **O R D E R E D ,**

that the accused persons , namely, **1. Rohit Sharma @ Rahul and 2. Pritam Das @ Babu** are acquitted u/sec 235(1) Cr.P.C from offence u/sec 20 (b)(ii)(C) of NDPS Act.

Accused persons, namely, **Rohit Sharma @ Rahul and Pritam Das @ Babu** be released from custody at once.

Issue release order.

The contraband articles be destroyed immediately. The other seized articles be confiscated in accordance with Section 60 to Section 63 of the N.D.P.S. Act.

Dict. & corr. By me.

(Smt. M. Saha)  
Special Judge,  
N.D.P.S. Act  
4<sup>th</sup> Court, Paschim Medinipur

(Smt. Mandakranta Saha)  
Special Judge,  
N.D.P.S. Act  
4<sup>th</sup> Court, Paschim Medinipur

**NDPS Case No. 11/2021 (CIS-11/2021)**  
**Trial No. 02 (0102022)**  
**C.N.R. No.-WBWM01-004010-2021**

Present : Smt. Mandakranta Saha (JO Code: WB0825)

Order No. 16 dated 22.04.2022

Both accused persons are produced from judicial custody.  
Today is fixed for delivery of judgement.  
The judgement is ready for delivery.  
Judgement is pronounced in open Court by reading out operative portion which reads as under:

*“ that the accused persons , namely, **1. Rohit Sharma @ Rahul and 2. Pritam Das @ Babu** are acquitted u / sec 235(1) Cr.P.C from offence u / sec 20 (b)(ii)(C) of NDPS Act.*

*Accused persons, namely, **Rohit Sharma @ Rahul and Pritam Das @ Babu** be released from custody at once.*

*Issue release order.*

*The contraband articles be destroyed immediately. The other seized articles be confiscated in accordance with Section 60 to Section 63 of the N.D.P.S. Act. ”*

The case is, thus, disposed of.

The case record be consigned to the District Record Room forthwith.

The judgement is pronounced on this the 22<sup>nd</sup> April 2022 in open Court in Paschim Medinipur.

Dict. & Corr. by me.

Judge, Special Court,  
N.D.P.S. Act.  
4<sup>th</sup> Court , Paschim Medinipur.

Judge, Special Court,  
N.D.P.S. Act.  
4<sup>th</sup> Court , Paschim Medinipur.