

FIRST INFORMATION REPORT  
(Under Section 154 Cr. P.C.)

4740



Dist. Spc P.S. Matigara Year 2021 FIR No. 439/2021 Date 03.06.2021  
Act N.D.P.S Sections 21(1) (ii) Act x Sections 1  
Sections x (iv) Others Acts & Sections x

3. (a) Occurrence of Offence : Day Thursday Date From 03.06.2021 Date To .....  
Time Period ..... Time From 07:35 hrs Time To .....

(b) Information received at P.S. Date 03.06.2021 Time 10:35 hrs

(c) General Diary Reference : Entry No(s) 108 Time 10:35 hrs

4. Type of Information : Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 1 KM South (approx) Beat No. .....

(b) Address Tumba Jote near Birchit factory, P.S. Matigara, Dist. Darjeeling.

(c) In case outside limit of this Police Station, then the Name of the P.S. ..... District .....

6. Complainant / Informant :

(a) Name Shekhar Adhikary

(b) Father's / Husband's Name H. Sonatan Adhikary

(c) Date / Year of Birth ..... (d) Nationality Indian

(e) Passport No. ..... Date of Issue ..... Place of Issue .....

(f) Occupation Govt. Service

(g) Address Matigara Police Station, Siliguri Police Commissionerate.

7. Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) :  
(i) Md. Nabi Hossain @ Butam (19), s/o. Lt. Md. Alam and (ii) Md. Rafik (18), s/o. Lt. Md. Alam both of Sutki Godown, Matigara, P.S. Matigara, Dist. Darjeeling.

8. Reasons for delay in reporting by the Complainant / Information .....

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

(i) One transparent plastic packet containing 260 gms. Brown Sugar (Ex. A), (ii) one transparent pouch containing 20 gms. Brown sugar (Ex. A), (iii) one nylon bag (Ex. A), (iv) one old Green Colour Bicycle.

10. Total value of properties stolen / involved .....

11. Inquest Report / U.D. Case No., if any .....

12. FIR Contents (Attach separate sheets, if required) : The original written complaint which is treated as FIR is enclosed herewith.

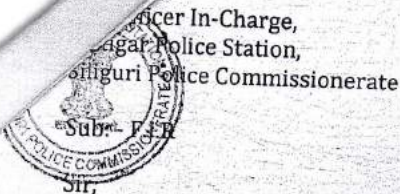
13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2, registered the case and took up the investigation / directed SI. Basudeb Guha Officer in Charge Matigara Police Station to take up investigation / refused investigation / transferred to P.S. Siliguri Police Commissionerate on point of jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

14. Signature / Thumb impression of the Complainant / Informant

Noted on original complaint.  
Signature of the Officer in Charge Police Station Matigara Police Station  
Name : Anirban Bhattacharjee  
Rank : No. 51-03 Police, MTC, PS/SPC.

15. Date & Time of despatch to the court : .....





Sir,  
In producing herewith two arrested accused persons namely (i) Md. Nabi Hossain @ Buttam (19), S/O- Lt. Md. Alam and (ii) Md. Rafik (18), S/O- Lt. Md. Alam both of Sutki Godown, Matigara, PS- Matigara, Dist- Darjeeling (not verified) along with the following seized articles under seizure as per seizure list:

- i) One transparent plastic packet containing 260 grams brown sugar which was kept in a Nylon bag and marked as "Exhibit-A",
- ii) One transparent pouch containing 20 grams of brown sugar taken out as sample from "Exhibit A" for examination and marked as "Exhibit A-1".
- iii) One nylon bag and marked as "Exhibit-B".
- iv) One old Green Colour Hero Bicycle.

I, SI Shekhar Adhikary, S/O- Lt. Sonatan Adhikary of Matigara Police Station, Siliguri Police Commissionerate do here by lodge this written complaint against (i) Md. Nabi Hossain @ Buttam (19), S/O- Lt. Md. Alam and (ii) Md. Rafik (18), S/O- Md. Lt. Alam both of Sutki Godown, Matigara, PS- Matigara, Dist- Darjeeling (not verified) to the effect that today on 03.06.2021 at about 07.35 hrs. I received a specific source input that two young boys are coming at Tumba Jote in a Bicycle with huge quantity of brown Sugar under their possession for selling the same to their designed customers for their wrongful gain. The matter was diarized vide Matigara PS GDE No 99, Dt- 03.06.2021. Accordingly, I informed the matter to the Officer-in-Charge, Matigara Police Station in writing for necessary instruction and subsequently being instructed, myself along with ASI Subhendu Das, ASI Nitai Mandal, Const- 1035 Santosh Rabidas, Const- 986 Rajib Sarkar, Const- 1008 Kanak Roy, CV- 155 Sukumar Das all of Matigara PS, SPC along with investigation kit left for Tumba Jote by govt. vehicle to verify the veracity of the information. This refers to Matigara PS GDE no 100, Dt- 03.06.2021 and C.C No- 1266/2021 Date- 03.06.2020.

Under this circumstance any search warrant or authorization cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of the offender.

On way to Tumba Jote, I contacted two persons namely (i) Sumit Gupta, S/O- Sitaram Prasad and (ii) Nayan Roy, S/O- Binoy Roy both of Vatika Colony, Tumba Jote, PS- Matigara, Dist- Darjeeling and make them aware of the information in hand and requested them to act as witness, if any search and seizure would be made necessary upon which they agreed.

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Officer In-Charge,  
Matigara Police Station,  
Siliguri Police Commissionerate

Thereafter, we along with the independent witnesses reached at Matigara Tumba Jote near Biscuit Factory at 07:55 hrs and being pointed by my source detained the above noted two accused persons namely Md. Nabi Hossain @ Buttam and Md. Rafik on a bicycle. Accused Md. Nabi Hossain @ Buttam was found cycling the bicycle and Md. Rafik was found seating of the backside carrier of the bicycle and the nylon bag was found hanged on right side handle of the bicycle. Thereafter, we disclosed our identity and the information in hand and stated them that they will be searched in persons for the purpose. At this, they after disclosing their identity as noted above admitted that they have illegally possessed brown sugar in their possession for selling the same to their designed customers as per requirement.

I then gave them option in writing whether they wanted to be searched in presence of Executive Magistrate or by any Gazetted Officer. Then they agreed to be searched in presence of any one of the above. I also offered the independent witnesses and the accused persons to search our Police Party as per provisions but, they did not search the police party. Accordingly, I informed the matter to O/C Matigara PS and as per his kind order, I informed to Dr Chandan Das, ACP, DD, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC for the day, regarding the interception of the accused persons suspected to be possessed Brown Sugar and requested him to come at Matigara Tumba Jote near Biscuit Factory to remain present and to supervise the search and seizure.

Contd..

SI Shekhar Adhikary.  
03.06.2021



Thereafter at 08:45 hrs Dr Chandan Das, ACP, DD, SPC arrived at the spot as Special Executive Magistrate, SPC and subsequently, under his supervision and in presence of two independent witnesses the process of search of the detained persons was conducted following all formalities keeping their decency and, recovered the above noted articles from the exclusive, conscious and joint possession of above noted Md. Nabi Hossain @ Buttam and Md. Rafik. Subsequently, being demanded in presence of Dr Chandan Das, ACP, DD, SPC acting as Special Executive Magistrate, SPC the detained persons namely Md. Nabi Hossain @ Buttam and Md. Rafik failed to produce any valid document in support of possessing of the brown sugar.

Thereafter, I weighted the recovered packet with the weighing instrument and found total 260 grams of brown sugar in a transparent packet which was found kept in a Nylon bag under the conscious, exclusive and joint possession of the accused persons namely Md. Nabi Hossain @ Buttam and Md. Rafik and marked as "Exhibit- A". I also taken 20 grams of Brown Sugar from the said packet as sample for examination and marked as exhibit "A-1". Then, I seized the above noted articles at the spot under proper seizure list duly signed by the above noted witnesses and the Special Executive Magistrate, SPC and acknowledged by the accused persons. I also labeled and sealed the articles in presence of Dr Chandan Das, ACP, DD, SPC acting as Special Executive Magistrate, SPC and independent witnesses and the accused persons. The whole process of seizure was made in between 08.55 hrs to 09.45 hrs.

Being further asked, the apprehended persons namely Md. Nabi Hossain @ Buttam and Md. Rafik admitted in presence of Dr Chandan Das, ACP, DD, SPC acting as Special Executive Magistrate, SPC and other witnesses that they procured the brown sugar clandestinely from elsewhere for the purpose of selling the same in high rate to their designed customer for their personal gain by illegal means. They also disclosed that they have been dealing in such business of procuring and selling of brown sugar illegally for last few months.

Then, I arrested the above noted accused persons namely Md. Nabi Hossain @ Buttam and Md. Rafik after observing all formalities and informing the ground of their arrest and issued necessary Memo of Arrest.

From the above noted facts and seizure of incriminating articles it is quite evident that the accused persons namely Md. Nabi Hossain @ Buttam and Md. Rafik are involved in procuring and selling of brown sugar illegally contravening the norms of NDPS Act.

Under the above circumstances, I pray to you that a specific case under proper section of law may kindly be started against the accused persons (i) Md. Nabi Hossain @ Buttam (19), S/O- Lt. Md. Alam and (ii) Md. Rafik (18), S/O- Lt. Md. Alam both of Sutki Godown, Matigara, PS- Matigara, Dist- Darjeeling (not verified) and arrange for its investigation.

Enclosure: [i] Original Memo of Arrests, [ii] Original seizure list along with seized articles.

Received on 03.06.2021 at 10.35 hrs  
vide MTC PS CASE NO-108 dt. 03.06.2021  
and started MTC PS case No. 439/2021  
dt. 03.06.2021, U/S 21(c) of NDPS Act  
and endorsed to SI. Basudeb Guha  
for its investigation.

  
Officer in Charge  
Matigara Police Station  
Siliguri Police Commissionerate

Yours faithfully,  
SI Shekhar Adhikary  
SI Shekhar Adhikary  
Matigara Police Station  
Siliguri Police Commissionerate