

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



4599

Spc P.S. Mahgore Year 2021 FIR No. 597/2021 Date 01.07.2021  
Sections ..... ii) Act. NDPS Sections 21(C) NDPS  
Sections ..... (iv) Others Acts & Sections Act.

3. (a) Occurrence of Offence : Day ..... Date From 30.06.2021 Date To .....  
Time Period ..... Time From 22:35h Time To 23:45h  
(b) Information received at P.S. Date 01.07.2021 Time 00:25  
(c) General Diary Reference : Entry No(s) 04 Time 00:25

4. Type of Information : ..... Written / Oral  
5. Place of Occurrence : (a) Direction and Distance from P.S. 2 Km North/West of P.S. Beat No. ....  
(b) Address Tumbarola Near West Point School P.S. Mahgore Dist. Darjeeling  
(c) In case outside limit of this Police Station, then the Name of the P.S. N/A District .....

6. Complainant / Informant :  
(a) Name S.I. Newton Biswas  
(b) Father's / Husband's Name .....  
(c) Date / Year of Birth : ..... (d) Nationality Indian  
(e) Passport No. X Date of Issue : X Place of Issue X  
(f) Occupation Sub-Inspector of Police Siliguri Metropolitan Police Commissionerate  
(g) Address Mahgore Police Station / Siliguri Police Commissionerate

7. Details of known / suspected / unknown accused with full particulars  
(Attach separate sheet, if necessary) : Aced. Gay Guljar Miya (23) S/O Nojwan Miya of Beldangi Tumbarola PS Mahgore Dist. Dju. 2) Ponkej Barman (19) S/O Joydeb Barman of Udhhat Medical More Kowakhari, P.S. Mahgore Dist. Dju. 3) Khurshid Alam @ Barabaru (21) S/O Md. Abdu Majhi of Kowakhari PS Mahgore / Dju.

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

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) : 25 (Twenty five) bottles of Lykorex Cough Syrup each bottle containing 100 ML. possession of Guljar Miya one bag containing 25 (Twenty five) Lykorex Cough Syrup each bottle containing 100 ML seized from the possession of Aced Ponkej Barman (19) 25 (Twenty five) bottles of Lykorex Cough Syrup from the possession of Khurshid Alam. Navingy Barman No. 7 BHU0272

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 complain. which is treated as FIR. is ye - produce over leaf

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 S.I. Basudeb Guha of Mahgore P.S. to take up investigation / refused investigation / transferred to P.S. PS/Spc. Siliguri Police Commissionerate 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 .....  
Signature of the Officer-In-Charge Mahgore Police Station

123 456 789  
21/11/2021  
11/11/2021

Commissioner In-Charge,  
Matigara Police Station,  
Siliguri Police Commissionerate.

Sub: - F.I.R

Sir,

In producing herewith three (03) arrested accused persons namely (1) Guljar Miya (23), S/O- Najrul Miya of Beldangi, Tumba Jote, PS- Matigara, Dist- Darjeeling, (2) Pankaj Barman (19), S/O- Joydeb Barman of Chahat Medical More, Kawakhari, PS- Matigara, Dist- Darjeeling and (3) Khurshit Alam @ Barababu (25), S/O- Md. Abdul Majhi of Kawakhali, PS- Matigara, Dist- Darjeeling along with the following seized article under proper seizure as per seizure list;

- a) One bag containing 25 (twenty five) bottles of "Lykarex" Cough Syrup (each bottle containing 100 ml) having Batch No. TBHU0272, Mfg. Date: 02/2021. Exp. Date: 01/2023 - seized from the exclusive and conscious possession of above noted Guljar Miya and marked as "Exhibit- A".
- b) Two (02) bottles of "Lykarex" Cough Syrup (each bottle containing 100 ml) randomly taken from "Exhibit- A" for examination and marked as "Exhibit A-1".
- c) One bag containing 25 (twenty five) bottles of "Lykarex" Cough Syrup (each bottle containing 100 ml) having Batch No. TBHU0272, Mfg. Date: 02/2021. Exp. Date: 01/2023 - seized from the exclusive and conscious possession of above noted Pankaj Barman and marked as "Exhibit- B".
- d) Two (02) bottles of "Lykarex" Cough Syrup (each bottle containing 100 ml) randomly taken from "Exhibit- B" for examination and marked as "Exhibit B-1".
- e) One bag containing 25 (twenty five) bottles of "Lykarex" Cough Syrup (each bottle containing 100 ml) having Batch No. TBHU0272, Mfg. Date: 02/2021. Exp. Date: 01/2023 - seized from the exclusive and conscious possession of above noted Khurshit Alam @ Barababu and marked as "Exhibit- C".
- f) Two (02) bottles of "Lykarex" Cough Syrup (each bottle containing 100 ml) randomly taken from "Exhibit- C" for examination and marked as "Exhibit C-1".
- g) One Red & Black colour Hero Glamour Motorcycle without number plate - seized from the conscious and joint possession of above noted Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu.

I, SI Newton Biswas (25), S/O- Nirmal Biswas of Matigara Police Station, Siliguri Police Commissionerate do hereby lodged this written complaint against the above noted accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu to the effect that on 30.06.2021 at about 20.15 hrs I received a specific source input that three persons possessing huge quantity of 'Codeine Phosphate' based drugs were coming on a motorcycle without number plate at Tumba Jote near West Point School under Matigara PS for clandestine disposal of the said drugs to their designed customers. The matter was diarized in Matigara PS GDE No. 1521 Dt- 30.06.2021 and subsequently, I informed the matter to the Officer-in-Charge, Matigara Police Station in written and being directed, myself along with ASI Nitai Mandal, ASI Subhendu Das, Const- 1035 Santosh Rabidas, Const- 1008 Kanak Roy and Const- 986 Rajib Sarkar all of Matigara PS, SPC along with investigation kit left for Tumba Jote near West Point School under Matigara PS by govt. vehicle to verify the veracity of the information. This refers to Matigara PS GDE No. 1522 Dt- 30.06.2021 and M.C.C No- 1677/21 Date- 30.06.2021.

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.

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SI Newton Biswas

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On reaching at Tumba Jote near West Point School at 20.35 hrs, I contacted two persons namely (1) Md. Sohit(23), S/O- Najrul Islam, and (2) Reeru Khan(39), S/O- Lt. Reaze Khan both of Tumba Jote, PO + 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. Thereafter we along with the independent witnesses noted above started waiting for the motorcycle. At 21.05 hrs we detained three persons at near West Point School, Tumba Jote who were coming from Siliguri side. Above noted Guljar Miya was found riding the above noted motorcycle and above noted Pankaj Barman and Khurshit Alam @ Barababu were found as pillion rider on the above note motorcycle and they all were possessed bag under their possession. Thereafter, we disclosed our identity and the information in hand and stated them that they as well as bags under their possession will be searched for the purpose. And, I gave them option in writing to be searched in presence of an Executive Magistrate or by any Gazetted Officer upon which 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. Consequently, I informed the matter to O/C Matigara PS and as per his kind order, I informed to Dr. Chandan Das, Assistant Commissioner of Police, 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 'Codeine Phosphate' based drugs illegally and requested him to come at Tumba Jote near West Point School under Matigara PS to remain present and to supervise the search and seizure.

Accordingly at 22.15 hrs Dr. Chandan Das, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC arrived at the spot at Tumba Jote near West Point School under Matigara PS as Special Executive Magistrate, SPC and in presence of two independent witnesses I searched the detained persons following all formalities, keeping their decency and recovered the above noted article from the exclusive, conscious and joint possession of the accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu.

It has been found that each bag of the possession of the above noted accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu containing 25 (twenty five) bottles (each bottle containing 100 ml) [Total  $3 \times 25 = 75$  (seventy five) bottles containing  $3 \times 25 \times 100 \text{ ml} = 7500 \text{ ml}$  i.e., equivalent to 7.5 Kg] of "Lykarex" Cough Syrup.

Further, on demand in presence of Dr. Chandan Das, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC the detained persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu failed to produce any valid documents/papers or explanation for possessing of such a huge quantity of 'Codeine Phosphate' based drugs beyond the prescribed limit.

Thereafter, I seized the recovered 75 (seventy five) bottles [containing 7500 ml i.e., equivalent to 7.5 Kg] of "Lykarex" Cough Syrup [including  $3 \times 2 = 6$  (six) bottles of "Lykarex" Cough Syrup (each containing 100 ml) which were taken randomly from the mother packets for examination] and one motorcycle without number plate from the exclusive, conscious and joint possession of above noted accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu at the spot at Tumba Jote near West Point School under proper seizure list in presence of independent witnesses and Dr. Chandan Das, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate, SPC obtaining their signature and being acknowledged by the accused persons.

SI Newton Biswas

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Subsequently, I labelled and sealed the seized articles in presence of Dr. Chandan Das, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate, SPC and independent witnesses and the accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu. The whole process of seizure was made in between 22.35 hrs to 23.45 hrs.

Being further asked, the apprehend persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu admitted in presence of Dr. Chandan Das, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC and other independent witnesses that they have procured the 'Codeine Phosphate' based drugs clandestinely 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 this business of procuring and selling of 'Codeine Phosphate' based drugs illegally for last few months for their wrongful gain.

From the above noted facts and seizure of incriminating articles it is quite evident that the accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu are involved in procuring and selling 'Codeine Phosphate' based drugs illegally contravening the norms of NDPS Act.

Then, I arrested the above noted accused persons namely Guljar Miya, Pankaj Barman and Khurshit Alam @ Barababu after observing all formalities and informing the ground of their arrest and issued necessary Memo of Arrest.

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 namely (1) Guljar Miya (23), S/O- Najrul Miya of Beldangi, Tumba Jote, PS- Matigara, Dist- Darjeeling, (2) Pankaj Barman (18), S/O- Joydeb Barman of Chahat Medical More, Kawakhari, PS- Matigara, Dist- Darjeeling and (3) Khurshit Alam @ Barababu (25), S/O- Md. Abdul Majhi of Kawakhali, 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 and other papers.

Received on 01.07.2021 at 00.25 hrs.  
vide GDB NO. 04 Dt 01.07.2021 and  
started Matigara PS. case no  
597/2021 Dt 01.07.2021 U/S 21(C)  
NDPS Act and endorsed to  
SI Basudeb Guha of Matigara  
PS. family 14/07/2021.

Yours faithfully,

SI Newton Biswas  
(SI Newton Biswas) 01/07/2021  
Matigara Police Station  
Siliguri Police Commissionerate

  
01/07/21  
Officer In-Charge  
Matigara Police Station  
Siliguri Police Commissionerate