

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

3181

1. Dist. SPC P.S. Mahigara Year 2022 FIR No. 381/22 Date 28.03.22

2. i) Act. NDPS Sections 21(C) NDPS Act Sections 21(C) NDPS Act

(iii) Act. Sections (iv) Others Acts & Sections.

3. (a) Occurrence of Offence : Day 28.03.22 Date From 16.35 hrs Date To 17.25 hrs

Time Period Time From 16.35 hrs Time To 17.25 hrs

(b) Information received at P.S. Date 28.03.22 Time 18.10 hrs

(c) General Diary Reference : Entry No(s) 1713 Time 18.10 hrs

4. Type of Information : Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 2 km North of Mahigara Beat No.

(b) Address Chanta Bridge Old Mahigara Road, P.S. Mahigara
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. S. Newton Biswas

(b) Father's / Husband's Name Nimal Biswas

(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 Police Commissioner's

(g) Address Mahigara Police Station Siliguri Police Commissioner's

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) : Aced 1) Md Based (29) S/O Md Haim of Lelia Colony P.O. + P.S. - Mahigara Dist DJS 11) SK Abub Kareem (SS) S/O Lt Jolcher SK of Nawab Bari P.S. - Beldanga Dist Murshidabad

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

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) : One transparent plastic packet Contain total 300 gram Brown Sugar. 11) One transparent plastic packet Contain total 300 gram Brown Sugar 11) 20 gram Brown Sugar take as Sample of each plastic packet. One blue Coloured keypad IMEI no. 354239112672128. One black Coloured keypad IMEI no. 8014850 -

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 re-produced over leaf 2

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. S. Sekhar Adhikary of Mahigara Police Station to take up investigation / refused investigation / transferred to P.S. Mahigara Police Station 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 in original Complaint

15. Date & Time of despatch to the court : 29.03.2022 at 11.00 AM

Signature of the Officer-in-Charge, Police Station Ambar Bhattacharya
Name : S. S. of Police
Rank : No. Mahigara PS / SPC

Officer in Charge,
Matigara Police Station,
Siliguri Police Commissionerate

Sub: - F.I.R

Sir,

In producing herewith two (02) arrested accused persons namely 1) Md. Based (29) S/O Md Halim of Lelir Colony, P.O+P.S- Matigara, Dist.- Darjeeling and 2) Sk. Abub Kasem (55) S/O Lt. Jalehar SK. of Vill- Nawal Bari, P.S- Beldanga, Dist.- Murshidabad (not verified) along with the following seized article under proper seizure as per seizure list;

- (i) One transparent plastic packet containing total 300 grams brown sugar which was kept inside the right side pocket of blue colour jeans pant of above noted Md. Based and marked as "Exhibit- A".
- (ii) One transparent plastic packet containing 20 grams brown sugar taken as sample from exhibit "A" for examination and marked as Exhibit "A-1".
- (iii) One transparent plastic packet containing total 300 grams brown sugar which was kept inside the right side pocket of black colour pant of above noted Sk. Abub Kasem and marked as "Exhibit- B".
- (iv) One transparent plastic packet containing 20 grams brown sugar taken as sample from exhibit "B" for examination and marked as Exhibit "B-1".
- (v) One blue colour itel keypad mobile phone having IMEI No. 354279112672128 and 354279112672136 and connection No. Airtel-8597872523 and marked as 'Exhibit C'
- (vi) One black colour beneco keypad mobile phone having IMEI No. 862382050646503 and 862382050646511 and connection No. Vodafone-8944850762 and marked as 'Exhibit D'

I, SI Newton Biswas, S/O-Nirmal Biswas of Matigara Police Station, Siliguri Police Commissionerate do hereby lodged this written complaint against the above noted accused persons namely Md. Based and Sk. Abub Kasem (not verified) to the effect that today on 28.03.2022 at about 15.05 hrs I received a specific source input that two persons were standing near Chamta Bridge, Old Matigara Road under Matigara PS with huge quantity of Brown Sugar for delivering the same to their designed customers at the adjacent areas. The matter was diarized in Matigara PS GDE No. 1706, Dt- 28.03.2022 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 Tapan Das, Const- 1035 Santosh Rabidas, and Const- 986 Rajib Sarkar all of Matigara PS, SPC along with investigation kit left for Chamta Bridge, Old Matigara Road under Matigara PS by govt. vehicle to verify the veracity of the information. This refers to Matigara PS GDE No. 1707, Dt- 28.03.2022 and M.C.C No- 823/22 Date- 28.03.2022.

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 Chamta Bridge, Old Matigara Road I contacted two persons namely 1) Ratan Barman (41) S/O Ramani Kanta Barman, and 2) Parimal Sarkar (42) S/O Lt. Brojen Sarkar both of Beldangi, 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 reached at near Chamta bridge, Old Matigara Road under Matigara PS at 15.40 hrs and being pointed by my reliable source approached towards two persons standing there. At that time seeing the Police party approaching towards them they started fled away from the spot but, however we managed to apprehend them. Thereafter, we disclosed our identity and the information in hand and stated them that they will be searched in person for the purpose. At this, they after disclosing their identity as noted above admitted that they has illegally possessed brown sugar for selling the same to their designed customers as per their requirement. I then gave them option in writing whether they wanted to be searched in presence of an Executive Magistrate or by any Gazette Officer. At this 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 Shri Pasang Topgay Bhutia, 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 Brown Sugar and requested him to come near Chamta Bridge, Old Matigara Road under Matigara PS to remain present and to supervise the search and seizure.

SI Newton Biswas

Contd..

Accordingly at 16.25 hrs Shri Pasang Topgay Bhutia, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC arrived at the spot near Chamta bridge, Old Matigara Road as Special Executive Magistrate, SPC and in presence of two independent witnesses searched the detained persons following all formalities, keeping their decency and recovered the above noted articles from the exclusive and conscious possession of the accused persons namely Md. Based and Sk. Abub Kasem. Further, on demand in presence of Shri Pasang Topgay Bhutia, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC the detained persons namely Md. Based and Sk. Abub Kasem failed to produce any valid document in support of possessing of brown sugar.

Thereafter, I weighted the recovered packets with the weighing instrument and found 300 grams of brown sugar kept in a transparent pouch which was kept inside the right side pocket of blue colour jeans pant of above noted Md. Based and marked as "Exhibit- A" and One transparent plastic packet containing total 300 grams of brown sugar which was kept inside the right side pocket of black colour pant of above noted Sk. Abub Kasem and marked as "Exhibit- B". I also took 20 grams of Brown Sugar from each packet as sample for examination and marked as "Exhibit A-1" and "Exhibit B-1". Accordingly, I seized the above noted articles from the exclusive and conscious possession of accused namely Md. Based and Sk. Abub Kasem at the spot at near Chamta Bridge, Old Matigara Road under Matigara PS under proper seizure list in presence of independent witnesses and Shri Pasang Topgay Bhutia, 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 and obtaining their signature. Subsequently, I labeled and sealed the seized articles in presence of Shri Pasang Topgay Bhutia, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate, SPC and independent witnesses and the accused persons. The whole process of seizure was made in between 16.35 hrs to 17.25 hrs.

Being further asked, the apprehend persons namely Md. Based and Sk. Abub Kasem admitted in presence of Shri Pasang Topgay Bhutia, Assistant Commissioner of Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC and other independent witnesses that they have procured brown sugar clandestinely from Malda and Mushidabad side 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 brown sugar 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 Md. Based and Sk. Abub Kasem are involved in procuring and selling of brown sugar illegally contravening the norms of NDPS Act.

Then, I arrested the above noted accused persons namely Md. Based and Sk. Abub Kasem 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 be started against the accused persons namely 1) Md. Based (29) S/O Md Halim of Lelin Colony, P.O.- Matigara, Dist.- Darjeeling and 2) Sk. Abub Kasem (55) S/O Lt. Jalehar SK. of Vill- Nawab Bari, P.S- Beldarga Dist.- Murshidabad (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 28/03/2022 at 18.10 hrs
vide CDE NO 1713 Dt 28/03/2022
and started Matigara PS Case NO
381/22 Dt 28/03/2022 U/S 21(c)
NDPS Act. and enclosed to S.I
Sekhar Belhikary of Matigara
PS/SPC for its investigation.*

**Officer In-charge
Matigara Police Station
Siliguri Police Commissionerate**

Yours faithfully,
SI Newton Biswas 28.03.2022
SI Newton Biswas
Matigara Police Station
Siliguri Police Commissionerate