

# FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1158

Dist: Darjeeling P.S. Siliguri Year 2023 FIR No. 58/23 Date 26/01/23

2. (i) Act. Sections (ii) Act. Sections (iii) Act. Sections (iv) Others Acts & Sections 21(b)/29 of NDPS Act.

3. (a) Occurrence of Offence : Day Date From 26/01/23 Date To

Time Period Time From 05:45hrs. Time To

(b) Information received at P.S. Date 26/01/23 Time 08:30hrs.

(c) General Diary Reference : Entry No(s) 1536 Time 08:30hrs.

4. Type of Information : Written Written / Oral

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

(b) Address Swastika Club near Rail gate, PS - Siliguri

Dist - Darjeeling

(c) In case outside limit of this Police Station, then the

Name of the P.S. District

6. Complainant / Informant :

(a) Name Minmay Ghosh

(b) Father's / Husband's Name

(c) Date / Year of Birth (d) Nationality INDIAN

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

(f) Occupation Sub-Inspector of Police

(g) Address Khalpara TOP under Siliguri PS. SPC

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

(Attach separate sheet, if necessary) :

1) Md. Mustak (32/M). S/O - Md. Mansur of Adarshnagar, Colony.

near Gort. Saw Mill, w/no - 04, PS - Siliguri, Dist - Darjeeling.

2) Roshan Khali (29/M) S/O - Shibu Khali of Durganagar Colony, Kumarkilly,

w/no - 04, PS - Siliguri, Dist - Darjeeling.

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

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

I) 04 (four) bottles of ONEREEX cough Syrup in which Contains Mixture of Codeine Phosphate & Chlorpheniramine Maleate syrup having 100ml each bottles having Batch No 191121-SD 28 from the Exclusive possession Md. Mustak each bottles wrapped with black colour plastic and marked as Exhibit "A" (II) One (01) bottles of ONEREEX cough Syrup in which Contains Mixture of Codeine Phosphate & Chlorpheniramine Maleate syrup having 100ml each bottles having Batch No 191121-SD 28 taken from the Exhibit "A" as sample Marked as Exhibit "A-1" (III) 05 (five) bottles of ONEREEX cough Syrup in which Contains Mixture of Codeine Phosphate & Chlorpheniramine Maleate syrup having 100ml each bottles having Batch No 191121-SD 28 from the Exclusive possession Roshan Khali each bottles wrapped with black colour plastic and marked as Exhibit "B" (IV) One (01) bottles of ONEREEX cough Syrup in which Contains Mixture of Codeine Phosphate & Chlorpheniramine Maleate syrup having 100ml each bottles having Batch No 191121-SD 28 taken from the Exhibit "A" as sample Marked as Exhibit "B-1".

investigation / refused investigation / transferred to P.S. 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

Signature of the Officer-in-Charge, Police Station

Name : Kamal Bhowmik

Rank : No. SI of Police

15. Date & Time of despatch to the court : On 26/01/23 at 10:40hrs.



To  
The Inspector In-Charge,  
Siliguri Police Station,  
Siliguri Police Commissionerate

Dated 26.01.23

Sir,

In producing herewith two (02) arrested accused persons who disclosed their identities namely (1) Md. Mustak (32/M), S/O Md. Mansur of Adarshanagar Colony, near Govt. Saw mill, Ward No.04, PS- Siliguri, Dist Darjeeling and (2) Roshan Khati (29/M) s/O Shibu Khati of Durganagar colony, Kumar tolly, Ward No.04, PS- Siliguri, Dist. Darjeeling along with the following seized articles seized under proper seizure list duly attached herewith viz : I) 04(four) bottles of ONEREEX cough Syrup in which contains mixture of Codeine Phosphate & Chorpheniramine Maleate Syrup containing 100 ml. batch No 191121-SD from the exclusive possession Md. Mustak each bottles wrapped with black colour plastic and marked as exhibit 'A' II) one (01) bottle of ONEREEX cough Syrup in which contains mixture of Codeine Phosphate & Chorpheniramine Maleate Syrup containing 100 ml. batch No 191121-SD take from exhibits "A" for sample and marked as exhibits "A-1" III ) 05(five) bottles of ONEREEX cough Syrup in which contains mixture of Codeine Phosphate & Chorpheniramine Maleate Syrup containing 100 ml. batch No 191121-SD. from the exclusive possession Roshan Khati each bottles wrapped with black colour plastic and marked as exhibit 'B and IV) one (01) bottle of ONEREEX cough Syrup in which contains mixture of Codeine Phosphate & Chorpheniramine Maleate Syrup containing 100 ml. batch No 191121-SD take from exhibits "B" for sample and marked as exhibits "B-1"

I, SI Mrinmay Ghosh of O/C Khalpara TOP under Siliguri PS, Siliguri Police Commissionerate do hereby lodge this written complaint against (1) Md. Mustak (32/M), S/O Md. Mansur of Adarshanagar Colony, near Govt. Saw mill, Ward No.04, PS- Siliguri, Dist Darjeeling and (2) Roshan Khati (29/M) S/O Shibu Khati of Durganagar colony, Kumar tolly, Ward No.04, PS- Siliguri, Dist. Darjeeling to the effect that on today ie on 26.01.23 at 05.45 hrs I have received a specific source information that two persons are standing with huge quantity of contraband Cough Syrup at Swastika Club near rail gate under PS Siliguri for disposing the same for their wrongful gain. The matter has been diarized vide Khalpara TOP GDE No.633 Dt- 26.01.23. Accordingly I informed the matter to Sri Sudip Chakraborty, Inspector-in-Charge, Siliguri Police Station, SPC in writing a letter to him and expressed the entire information accordingly and he directed to me to work out the information immediately. Hence at about 05.55 hrs as per his kind direction myself along with ASI Kalachand Singha, ASI Samiran Das, ASI Raju Sarkar CV/005- Gobind Das and CV/916- Amresh Sah all of Siliguri Police Station, Siliguri Police Commissionerate left for Jhankar More area to verify the veracity of the information vide M C C. No. 81/23, dt. 26.01.23 which refers to GDE No. 634 Dt. 26.01.23 by Govt. Vehicle No. WB 72A 7494 driven by CV/142 Biswajir Das.

At the time of departure from PS I took envelope, white paper, sealing wax, gum, seal, etc. At about 06.10 hrs we reached at Swastika Club near rail line under PS Siliguri kept our vehicles at a considerable distance. Subsequently we called two independent witnesses namely; (1) Uttam Saha (M/52), S/O- Late Kalipada Saha, of Phansidewa Bazar, PS -Phansidewa, Dist Darjeeling, (2) Paritosh Singha (M/29), S/O Bimal singha, of Thiknikata, Po- Sushruta Nagar, PS Matigara, Dist Darjeeling and disclosed our identities and informed them about the information in hand and requested them in writing to accompany us to witness the Police action. They agreed & gave in writing about their consent to accompany Police during the raid.

Then as per source information we approached towards Swastika Club near railgate & as per identification by the source I managed to cordon the place and found that the above noted persons were standing there carrying cough syrup and accordingly we detained them. After disclosing our identities, in





presence of independent witnesses we had a strong reason to believe that the detained persons were carrying contraband Cough Syrup in their exclusive possession for disposing the same at Koyladept area in concealed manner for supplying/ selling the same in Siliguri and its adjacent area for their wrongful gain. On being asked they disclosed their identity as noted above and admitted that they possessed contraband Cough Syrups. Then I gave them option in written whether they wanted to be searched in presence of Executive Magistrate or any Gazetted Police Officer. They agreed to be searched by anyone of them. Further I served them option notice in accordance with provisions of law in this regard in writing and he also gave his approval of being searched by any one of them in writing on the notice served to them. Then I informed the matter to I.C. Siliguri PS & I requested him to come at Swastika Club near Railline to remain present and supervise the search, seizure and labeling being a Gazetted Police officer. Accordingly at 06.25 hrs Sri Sudip Chakraborty, I. C. Siliguri PS arrived at the spot in uniform and disclosed his identity to the detained persons as well as to the witnesses as a Gazetted Police Officer. I also offered the independent witnesses and the accused person to search our Police Party as per provision of law. But they refused to search the police party. Under the supervision of Sri Sudip Chakraborty, Inspector -In-charge, of Siliguri Police Station, SPC and in presence of two independent and disinterested public witnesses searched the detained person following all formalities keeping their decency but nothing could be recovered on his person except his wearing apparels. Then, I search and found that the above seizure articles kept in exclusive possession of both apprehended persons. Then the detained persons confessed that they were carrying the same in concealed manner for selling/supplying to young boys at Bagrakot and its adjacent area. On demand in presence of the Gazetted Police Officer, Sri Sudip Chakraborty, I. C. Siliguri PS, he failed to produce any valid document in support of possessing of the said contraband Cough Syrup which was holding by them.

Accordingly I counted the said Cartoon box containing Cough Syrup, which was found in the possession of the above noted detained person and found total 09(nine) bottles of ONEREEX cough Syrup in which contains mixture of Codeine Phosphate & Chlorpheniramine Maleate Syrup containing 100 ml. batch No 191121-SD. Then, I seized the above noted articles under proper seizure list and labeled, duly signed by the above noted witnesses, Police personnel and the Gazetted Police Officer, Sri Sudip Chakraborty and duly acknowledge by the detained persons. I also supplied a copy of seizure list to the detained persons. The whole search, seizure & label were made in between 06.25 hrs and 07.30 hrs. On further asked the apprehended persons confessed in presence of Gazetted Police Officer, Sri Sudip Chakraborty, I.C Siliguri PS and other witnesses that they procured the said seized Cough Syrup from Ashigarh side for the purpose of illicit gain. On interrogation they disclosed that they had been dealing in such business of selling of said Cough Syrup illegally since long. Then I arrested the above noted accused person after observing all guidelines of Apex court.

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) Md. Mustak (32/M), S/O Md. Mansur of Adarshanagar Colony, near Govt. Saw mill, Ward No.04, PS- Siliguri, Dist Darjeeling and (2) Roshan Khati (29/M) S/O Shibu Khati of Durganagar colony, Kumar tolly, Ward No.04, PS- Siliguri, Dist. Darjeeling.

Encl:-

- 1) Original Memo of arrest,
- 2) Original seizure list
- 3) All the Seized articles as per seizure list

Yours faithfully  
*[Signature]* 26/1/23  
(SI Mrinmay Ghosh)  
O/C Khalpara TOP-II/SLG PS  
Siliguri Police commissionerate

Received on 26/01/23 at 08:30 hrs vide SLG PS  
GOC no - 1536 dt - 26/01/23 and started SLG PS  
Case no - 58/23 dt - 26/01/23 U/S 21(a)/29NDPS  
Act and endorsed to SI Subhendu Das of Khalpara TOP  
for its investigation, Inspector In Charge  
Siliguri Police Station  
26/01/23  
Siliguri Police Commissionerate