

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

3056



S.P.C. P.S. Matigara Year 2023 FIR No. 106/23 Date 17/02/2023
N.D.P.S. Sections 21(e)/29 ii) Act Sections

(a) Occurrence of Offence : Day Date From 17/02/2023 Date To 17/02/2023
Time Period Time From 17:35 hrs Time To 19:45 hrs.

(b) Information received at P.S. Date 17/02/2023 Time 20:35 hrs.

(c) General Diary Reference : Entry No(s) 860 Time 20:35 hrs.

4. Type of Information : written Written / Oral

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

(b) Address M/s Loknath Medical Hall at Suryasenpally P.S. Matigara Dist. Darjeeling.

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

6. Complainant / Informant :

(a) Name SI Agen Lepcha

(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 Govt. Service (Police)

(g) Address Matigara P.S. Sec

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

(Attach separate sheet, if necessary) :
Atul Prasad Ghosh (60) Sp. B. Ashwini Kumar Ghosh of Suryasenpally Shivmandir B. Ed College Morce 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) : As per seizure list.

One brown colour paper made carton box containing 720 strips of "WINSPASMO" Forte Capsules having B. No. WPS22016 and Mfg Date - Feb 2022, (ii) 01 small brown colour carton box containing 06 (Six) of BITROZONE 10 Tablets having batch no. WNZ21003 and WNZ21004, (iii) 02 (Two) strips of NITROZONE - 10 tablets each strip containing ten tables having batch no. WNZ21003 and WNZ21004, (iv) One receipt copy of renewal of license issued by Govt. Of West Bengal, Director of Drugs Control, having No. 13/1-0648

11. Inquest Report / U.D. Case No., if any
Officer In-charge [Signature]
Matigara Police Station
Siliguri Police Commissionerate

12. FIR Contents (Attach separate sheets, if required) : The Original written Complaint is treated as FIR is enclosed here with/reproduced 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 SI Krishna Ch. Mondal
Officer In-charge [Signature]
Matigara Police Station
Siliguri Police Commissionerate
investigation / refused investigation / transferred to P.S.
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 Noted in original
of the Complainant / Informant Complainant

Signature of the Officer-in-Charge, Police Station
Matigara Police Station
Siliguri Police Commissionerate
Name : SAMIR DEOSHA
Rank : No. INSPECTOR OF POLICE

15. Date & Time of despatch to the court : on 18/02/2023



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

Received on 18/02/2023 at 20:35 hrs
vide Matigara PS GDE No-860 and started
Matigara PS case No. 106/23 dtd. 18/02/23
u/s 21(c) of ND PS Act and endorsed to
SI Krishna ch Mondal for his investigation

Sub: - F.I.R

Sir,

In producing herewith one (01) arrested accused person namely Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More, PO- Kadamtala, PS- Matigara, Dist- Darjeeling along with the following articles under proper seizure as per seizure list;

17/02/23
Officer In-charge
Matigara Police Station
Siliguri Police Commissionerate

(i) One brown color paper made cartoon box containing 720 (seven hundred and twenty) strips of Winspaso Forte (Tramadol HCl, Acetaminophen & Dicyclomine HCl Capsules), i.e. 720X24=17280(seventeen thousand two hundred) Capsules having B.No. WPS 22016 and Mfg. Date Feb-2022, Expiry date Jan-2024 and marked as "Exhibit- A".

(ii) 05(five) strips of Winspaso Forte (Tramadol HCl, Acetaminophen & Dicyclomine HCl Capsules), i.e. 5X24= 120(One hundred and twenty) Capsules having B.No. WPS 22016 and Mfg. Date Feb-2022, Expiry date Jan-2024 taken out from Exhibit-A as sample for examination and marked as "Exhibit A-1".

(iii) 01 (one) small brown color cartoon box containing 06(Six) of 'Nitrozone-10' tables(Nitrozepani Tablets IP-10Mg.) each Strip containing 10(Ten) tablets each i.e. 10X10X6= 600 tablets having batch No WNZ21003 and WNZ21004, Mfg date July- 2021, Expiry date June-2024 and marked as "Exhibit-B".

(iv) 02(Two) strips of 'Nitrozone-10' tables (Nitrozepani Tablets IP-10Mg.) each Strip containing 10(Ten) tablets each i.e. 10X2= 20 tablets having batch No WNZ21003 and WNZ21004, Mfg date July-2021, Expiry date June-2024 taken out from Exhibit-B as sample for examination and marked as "Exhibit B-1".

(v) 01 (one) receipt copy of renewal of License (s) issued by Govt. of West Bengal, Directorate of Drugs Control, having No. 13/1- 0648 in respect of M/S Loknath Medical Hall, Proprietor- Atul Prasad Ghosh of Suryasen Pally, Po- Kadamtala, PS- Matigara, Dist- Darjeeling, Application(s) Form No.19 of the Drugs and Cosmetics Rules, 1945 for the period from 01.01.2017 to 31.12.2021.

(SL. No. (i) to (v) was seized from the exclusive and conscious possession of accused person namely Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More , PO- Kadamtala, PS- Matigara, Dist- Darjeeling).

I, SI Agen Lepcha S/O Dup Tshering Lepcha of Matigara Police Station, Siliguri Police Commissionerate do hereby lodged this written complaint against the above noted arrested accused person namely Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More , PO- Kadamtala, PS- Matigara, Dist- Darjeeling to the effect that on 17.02.2023 at about 14.35 hrs I received a specific source input that one person is possessing huge quantity of illegal 'contraband Drugs' based drugs in a medicine shop without any valid license at Suryasenpally, Shivmandir, B.Ed College More under Matigara PS to sell the same to his designated customers for his illegal gain. Accordingly, the matter was diarized in General Diary vide Matigara PS GDE No 852 Dt. 17.02.2023 and subsequently, I informed the matter to the Officer-in-Charge, Matigara Police Station in written and being directed, myself along with ASI Tapan Das, C/ 374 Debraj Biswas, C/1053 Paresh Rava, C/ 974 Mintu Sen, C/219 Sonatan Chitrakar, all of Matigara PS and SI Rash Bihari Saha, ASI Binod Jha, C/ 166 Gopal Saha and C/126 Satrugna Sen all of SOG, SPC left for Suryasenpally, Shivmandir, B.ed College More under Matigara PS along with investigation kit by Govt. vehicle to verify the veracity of the information. This refers to Matigara PS GDE No. 853 Dt. 17.02.2023 and M.C.C No-308/2023 Date- 17.02.2023. At the time of leaving of PS I contacted with the cameraman named Bapan Ghosh S/O Late Rabi Ghosh of Jagannathpur, Bidhan Nagar, PS- Phansidewa, Dist. - Darjeeling and requested him to come at Suryasenpally, Shivmandir, B.Ed College More for the purpose of videography the entire process of search and seizure, if necessary.

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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.

After reaching at Suryasenpally, Shivmandir, B.Ed College More under Matigara PS I contacted two persons namely (1) Asish Sahani (34), S/O- Lt. Harikishan Sahani of Ramkrishna Para, PO+PS- Matigara, Dist- Darjeeling , and (2), Rishikesh @ Bhaskar Ghosh (48), S/O- Lt. Prabir Kumar Ghosh of Shivmandir Saradapally, PO- Kadamtala, 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, being pointed by my source, I with the help of force detained 01 (one) person who was found running a medicine shop styled as 'Loknath Medical Hall'. Thereafter, we disclosed our identity and the information in hand and stated him that he as well as the shop which he has been running on will be searched for the purpose. Then, I gave him option in writing to be searched in presence of an Executive Magistrate or by any Gazette Officer, upon which he agreed to be searched in presence of any one of the above. I also offered the independent witnesses and the accused person to search our Police Party as per provisions of law but they did not search the police party. Subsequently, the cameraman named Bapan Ghosh S/O Late Rabi Ghosh of Jagannathpur, Bidhan Nagar, PS- Phansidewa, Dist. - Darjeeling arrived at the spot. Consequently, I informed the matter to O/C Matigara PS and as per his kind order, I informed to Shri Santanu Tarafder, WBPS, Assistant Commissioner of Police, Armed Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC for the day, regarding the interception of the accused person suspected to be possessed 'Contraband Drugs' based drugs illegally and requested him to come at the spot at 'Loknath Medical Hall' Suryasenpally, Shivmandir, B.Ed College More under Matigara PS to remain present and to supervise the search and seizure.

Accordingly at 17.25 hrs Shri, Santanu Tarafder, WBPS, Assistant Commissioner of Police, Armed Police Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC arrived at the spot at 'Loknath Medical Hall' Suryasenpally, Shivmandir, B.Ed College More under Matigara PS as Special Executive Magistrate, SPC and in presence of two independent witnesses I searched the detained person as well as the shop which he was running, following all formalities, keeping his decency and recovered (i) One brown color paper made cartoon box containing 720 (seven hundred and twenty) strips of Winspaso Forte (Tramadol HCl, Acetaminophen & Dicyclomine HCl Capsules), i.e. 720X24=17280(seventeen thousand two hundred) Capsules having B.No. WPS 22016 and Mfg. Date Feb-2022, Expiry date Jan-2024 and (ii) 01 (one) small brown colour cartoon box containing 06(Six) of 'Nitrozone-10' tables(Nitrozepani Tablets IP-10Mg.) each Strip containing 10(Ten) tablets each i.e. 10X10X6= 600 tablets having batch No WNZ21003 and WNZ21004, Mfg date July- 2021, Expiry date June-2024.

On demand in presence of Shri, Santanu Tarafder, WBPS, Assistant Commissioner of Police, Armed Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC the detained person namely Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More , PO- Kadamtala, PS- Matigara, Dist- Darjeeling failed to produce any valid documents/papers or explanation for possessing of such a huge quantity of 'Contraband Drugs' beyond the prescribed limit. During further interrogation the apprehended Atul Prasad Ghosh admitted in presence of Shri, Santanu Tarafder, WBPS, Assistant Commissioner of Police, Armed Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC and other independent witnesses that he has procured this type of 'contraband drugs' clandestinely for the purpose of selling the same in high rate to his designated customers for his personal gain by illegal means. He also disclosed that he has been dealing in this business of procuring and selling of 'contraband drugs' illegally for last few months for his wrongful gain. Subsequently being further interrogation the apprehended Atul Prasad Ghosh disclosed that he collect the said medicine clandestinely with a view to sale the same to his designated customers without any valid prescription for his wrongful gain and also stated that he is clandestinely running such illegal business for last six months to earn huge money within a short period.

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Thereafter, I seized the recovered One brown color paper made cartoon box containing 720 (seven hundred and twenty) strips of Winspasmo Forte (Tramadol HCl, Acetaminophen & Dicyclomine HCl Capsules), i.e. 720X24=17280 (seventeen thousand two hundred) Capsules having B.No. WPS 22016 and Mfg. Date Feb-2022, Expiry date Jan-2024 and marked as "Exhibit- A" [Contains 50 mg X 17280=864000 mg =864 gms of Tramadol Hydrochloride], (ii) 05(five) strips of Winspasmo Forte (Tramadol HCl, Acetaminophen & Dicyclomine HCl Capsules), i.e. 5X24= 120 (One hundred and twenty) Capsules having B.No. WPS 22016 and Mfg. Date Feb-2022, Expiry date Jan-2024 taken out from Exhibit-A as sample for examination and marked as "Exhibit A-1",

(iii) 01 (one) small brown color cartoon box containing 06(Six) of 'Nitrozone-10' tables(Nitrozepani Tablets IP-10Mg.) each Strip containing 10(Ten) tablets each i.e. 10X10X6= 600 tablets having batch No WNZ21003 and WNZ21004, Mfg date July- 2021, Expiry date June-2024 and marked as "Exhibit-B"[Contains 10 mg X 600=6000 mg =06 gms of Nitrazepam], (iv) 02(Two) strips of 'Nitrozone-10' tables (Nitrozepani Tablets IP-10Mg.) each Strip containing 10(Ten) tablets each i.e. 10X2= 20 tablets having batch No WNZ21003 and WNZ21004, Mfg date July- 2021, Expiry date June-2024 taken out from Exhibit-B as sample for examination and marked as "Exhibit B-1" from the conscious possession of above noted accused person namely namely Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More , PO- Kadamtala, PS- Matigara, Dist- Darjeeling under proper seizure list in presence of independent witnesses and Shri, Santanu Tarafder, WBPS, Assistant Commissioner of Police, Armed Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC obtaining their signature and being acknowledged by the accused person. I also seized 01 (one) receipt copy of renewal of License (s) issued by Govt. of West Bengal, Directorate of Drugs Control, having No. 13/1- 0648 in respect of M/S Loknath Medical Hall, Proprietor- Atul Prasad Ghosh of Suryasen Pally, Po- Kadamtala, PS- Matigara, Dist- Darjeeling, Application(s) Form No.19 of the Drugs and Cosmetics Rules, 1945 for the period from 01.01.2017 to 31.12.2021 following all formalities.

Subsequently, I labelled and sealed the seized articles in presence of Shri, Santanu Tarafder, WBPS, Assistant Commissioner of Police, Armed Police, Siliguri Police Commissionerate detailed for acting as Special Executive Magistrate of SPC and independent witnesses and the accused person namely Atul Prasad Ghosh. The whole process of seizure was made in between 17.35 hrs to 19.45 hrs on 17.02.2023. The whole process of search and seizure was made under the coverage of videography by the videographer named Bapan Ghosh S/O Late Rabi Ghosh of Jagannathpur, Bidhan Nagar, PS- Phansidewa, Dist. - Darjeeling

From the above noted facts and seizure of incriminating articles it is quite evident that the accused person namely Atul Prasad Ghosh is involved in procuring and selling 'Contraband Drugs' illegally contravening the norms of NDPS Act.

Then, I arrested the above noted accused person namely Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More , PO- Kadamtala, PS- Matigara, Dist- Darjeeling after observing all formalities and informing the ground of his 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 person Atul Prasad Ghosh (60) S/O Ashwini Kumar Ghosh of Suryasenpally, Shivmandir, B.Ed College More , PO- Kadamtala, PS- Matigara, Dist- Darjeeling and arrange for its investigation.

Enclosures:

- i) Original Memo of Arrests.
- ii) Original seizure list along with seized articles and other papers.

Yours faithfully,
Depto 17/02/23
(SI Agen Lepcha)
Matigara Police Station,
Siliguri Police Commissionerate.