

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



P.S. Matigana Year 2023 FIR No. 193/23 Date 20/03/23
Sections 21(e)/22(e) (ii) Act _____ Sections _____
iii) Act _____ Sections _____ iv) Others Acts & Sections _____

3. (a) Occurrence of offence : Day _____ Date From 19/03/23 Date To 19/03/23
Time Period _____ Time From 22:35 hr Time To 28:50 hr
(b) Information received at P.S. Date 20/03/23 Time 00:45 hr
(c) General Diary Reference : Entry No (s) 1054 Time 00:45 hr

4. Type of Information written Written / Oral _____
5. Place of Occurrence : (a) Direction and Distance from P.S. _____ Beat No. _____
(b) Address Dhriti Auto Mobile (To to repairing Garage), Khapraail road Ps. Matigana Dist. Durgachhali

(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. Sailesh Subba
(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. Employee
(g) Address Matigana Ps. SPC

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) :
1. Bibek Shaw (34) SPO Raj Kr. Shaw of Bhanganpota, Baniakhali, Ps. Matigana Dist. Durgachhali.

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

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :
1. 39 pieces of vials of LUPIGESIC injection with Buprenorphine Hydrochloride 1P capsule to Oxycodone 0.3mg. Each vial contains 0.5 ml @ 39 pieces of vials of PHENERGAN injection composition with Propofol 1P 2.5mg vials contain 2 ML @ 39 pieces of vials of DIAZEPAM injection composition with Diazepam 1P 5mg - each vials contain 2ml

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 here with/reproduced over here.

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. Parosh Barman _____
investigation / refused investigation / transferred to P.S. _____
jurisdiction, FIR read over to the Complaint / 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 S.I. Sailesh Subba
Signature of the Officer-in-Charge SAMIR DEB
Name _____ Rank : No. INSPECTOR OF POLICE

15. Date & Time of despatch to the court : on 20/03/23 at 11:00 hr.

To,
The Officer-in-Charge,
Matigara Police Station.
Siliguri Police Commissionerate.

Received on 20/03/23 at 00:45 hrs vide
M.T. 4 PC GDE NO. 1054 and started M.T. 6
PC case No. 193/23 dt. 20/03/23 D/S
21(0)/22(0) of The N.D.P. Act and
endorsed to SI Parashu Barmar for
his investigation.

Sub: F.I.R

Officer-in-Charge
Matigara Police Station
Siliguri Police Commissionerate

Sir,

In producing herewith One (01) arrested accused person namely Bibek Shaw (34 yrs) S/O Raj Kr. Shaw of Bhangapul, Baniakhari PS- Matigara, Dist- Darjeeling along with the following seized articles viz:

- i] 39 (thirty nine) pieces of vials of LUPIGESIC Injection composition with Buprenorphine Hydrochloride 1P equivalent to Buprenorphine 0.3 mg each vials containing 02 ML (Total 78ML) and Marked as exhibit-"A"
- ii] 39 (thirty nine) pieces of vials of PHENERGAN Injection composition with Promethazine IP 25 mg , Hydrochloride 1P 25mg each vials containing 02 ML (total 78ML) and Marked as exhibit-"B"
- iii] 39 (thirty nine) pieces of vials of DIAZEPAM Injection composition with Diazepam IP 5mg each vials containing 02 ML (total 78ML) and Marked as exhibit-"C"
- iv] One white color carry bag which contain Exhibit A, B, & C and Marked as exhibit-"D".

I, SI Sailesh Subba of Matigara Police Station, Siliguri Police Commissionerate, do hereby lodge this written complaint against above noted accused person to the effect that today on 19.03.2023 at 21:25 hours, a source information was received that one person is transporting contraband "Narcotic Substance" illegally for selling the same to his designated customers for his wrongful gain at Mirik Khaprail Road in front of Dhriti Automobile (Toto Repairing garage).

The matter was diarized vide Matigara PS GDE No. 1043 dated 19.03.2023. Accordingly, I informed the matter to Officer-in-charge of Matigara PS/SPC in writing and as per his kind instruction, myself along with SI Sajal Roy, SI Agen Lepcha, ASI Tapan Das, C/219 Sanatan Chitrakar, C/974 Mintu Sen and CV/ 643 Animesh Roy all of Matigara PS, Siliguri Police Commissionerate, left for Mirik Khaprail Road in front of Dhriti Automobile (Toto Repairing garage) under Matigara PS by Govt. vehicle vide GDE NO 1044 dated 19.03.2023 and MCC No 205 dated 19.03.2023 to verify the veracity of the information.

At the time of departure from office I took envelope, white paper, sealing wax, gum, seal, digital weighing machine (Certified by the weight and Metallurgy department) and other investigation kits as it would be needed if any contraband substance was found.

At around 21:45 hours, we reached Mirik Khaprail Road and called two independent witnesses namely (1) Dipak Sarkar (27) S/O Mohan Sarkar and (2) Gopal Sarkar (26) S/O Chandu Sarkar both of Rananagar, PO+ PS Matigara, Dist. Darjeeling. We disclosed our identities to them and requested them to accompany us and remain present as witnesses during the process of search and seizure. I, also requested videographer namely Somnath Chatterjee s/o Sushil Chatterjee of Aurobindo Nagar, Ward No 22, PS Siliguri, over his mobile phone (9800325284) to come with his video camera and requested him to record the entire process of search and seizure.

SI Sailesh Subba
Date - 20/03/2023

Thereafter we parked our vehicle at a considerable distance at Mirik Khoprail road from Dhriti Automobile (Toto Repairing Garage) P.S Matigara, Dist. Darjeeling as indicated by our source.

Then being shown and identified by my source we proceeded towards in front of Dhriti Automobile (Toto Repairing Garage). We saw a person standing in front of Dhriti Automobile (Toto Repairing Garage) with a white color carry bag on his right hand suspected to be containing contraband articles. On seeing the police team, he became nervous and tried to run away from the spot. I approached the said person and disclosed my identity as Police Officer of Matigara Police Station and disclosed the identities of the police team accompanying

On being asked, he disclosed his identity as Bibek Shaw (34 yrs) S/O Raj Kr. Shaw of Bhangapul, Baniakhari PS- Matgara, Dist- Darjeeling. We informed him that we had specific information that he had in his possession a huge quantity of "narcotic substance" on your belongings and that we intended to search him and the carry bag that he was carrying. Initially he denied having any "Narcotic substance" with him and that the bag contained other articles. But I told him that we would search his person and the bags he was carrying. Eventually he admitted that the bags contained "Narcotic Substance" and he was waiting for a customer to deliver the same. He stated that he did not have any license to sell "Narcotic Substance" and that he procures the same from one person from elsewhere and then sells the same to his customers illegally, for his wrongful gain. It was clear that he has illegally procuring and transporting the "Narcotic Substance".

Thereafter I served him a Notice giving him the option of "whether he wanted to be searched in presence of Executive Magistrate or by any Gazette Officer". To this, he agreed to be searched by any one of them. I also offered the independent witnesses accompanying us, and the accused person to search our Police Party as per provision, but they refused to search the police party.

I then sent ASI Tapan Das with a requisition to Special Executive Magistrate, Shri Pasang T. Butia ACP (Traffic East) SPC, requesting him to come to the spot for supervising the process of search and seizure.

At around 22:25 hours, ASI Tapan Das returned at the spot along with Special Executive Magistrate, Shri Pasang T. Bhutia ACP (Traffic East) SPC and he disclosed his identity as Special Executive Magistrate, to the detained person as well as the independent witnesses told them that he would be supervising the process of search and seizure.

As instructed by Ld. Special Executive Magistrate and under his supervision in presence of two independent public witnesses, search was conducted of the detained person Bibek Shaw, observing all formalities, but nothing could be recovered from his person except wearing apparels. Then the carry bag was searched and were found above noted seized contraband articles inside the bag.

On being asked about the valid documents the apprehended person was unable to produce any document/license in support of that "Narcotic Substance" that was in his possession, by Shri Pasang T. Butia ACP (Traffic East) SPC, Special Executive Magistrate. He confessed that he was carrying this business illegally. He used to procure it from elsewhere and used to sell it to his customers for his wrongful gain and that he was waiting for his designated customer when the police team reached at the spot.

As instructed by Shri Pasang T. Butia ACP (Traffic East) SPC, I seized all above noted articles under proper seizure list in presence of the above noted independent witnesses and took the signatures of the witnesses

SI Saitesh Subbar
Date - 20/03/2023

and the accused person on the seizure list. I also then labeled and sealed the "Exhibit-A", Exhibit-B" and Exhibit-C" in presence of the Special Executive Magistrate, independent witnesses and the accused. The seizure label was made in between 22:35 hr to 23:50 hrs. The whole process of search and seizure was videographed by the videographer.

The apprehended accused person namely Bibek Shaw confessed before the Special Executive Magistrate and other witnesses that he used to procure "Narcotic Substance" clandestinely from elsewhere for the purpose of selling the same to his designed customers for his wrongful gain by illegal means and that he was doing this for a long time.

I then arrested the apprehended accused person namely Bibek Shaw (34 yrs) S/O Raj Kumar Shaw of Bhangapul, Baniakhari PS- Matigara, Dist- Darjeeling under proper Memo of Arrest for violating the terms and condition of the NDPS Act, after observing all guidelines of Apex Court. His ground of arrest was duly communicated to him.

Under the above circumstances, I pray before you that a specific case under proper section of law may kindly be started against the accused person named Bibek Shaw (34 yrs) S/O Raj Kr. Shaw of Bhangapul, Baniakhari PS- Matigara, Dist- Darjeeling and arrange for its investigation.

Yours faithfully,

SI Sailesh Subba
Date - 20/03/2023.
(SI Sailesh Subba)
Matigara PS / SPC

Enclosure:

1. Original Memo of Arrest.
2. Original seizure list with seized articles.
3. Original Inspection Memo.