

**IN THE SPECIAL COURT ( ND&PS ACT): AIZAWL**  
Crl.Tr. No. 331/2014

Ref: SR No. 47/14

Narcotic PS C/No. 8/2014, u/s 22 (a) of ND&PS Act '85

State of Mizoram	.....	Complainant
	-Vs-	
Dilwar Hussain (26) S/o Azir Hussain Haikakandi P/A Kanan veng.	.....	Accused
Date of Judgment and Order	.....	2-7-2014
For the Prosecution	....	Lalchhandama, Addl.PP.
For the defence	.....	H.Lalremruata & ors, Advocate.

**BEFORE**  
***LUCY LALRINTHARI, JUDGE***  
**JUDGMENT & ORDER**

1. In the instant case the accused Dilwar Hussain has been facing trial for alleged commission of offence u/s 22(a) of ND&PS Act, 1985.

2. The prosecution story of the case in brief is that on 4.3.2014 at 2:00pm, SI Lalsanga of Spl. Narcotic PS submitted written FIR to the effect that on the same day at 1:30pm Constable Ngurhnema of Aizawl PS produced one Dilwar Hussain along with 28 bottles of COFDYL syrup known to have contained codein phosphate which was a psychotropic substance mentioned in the schedule 28 of ND&PS Act.

During the course of investigation, seizure and sample were drawn in presence of Spl. Narcotic PS staff as no civilian were present at the time of seizure of contraband substance. The accused was arrested by preparing proper arrest memo. Grounds of arrest was also intimated to him and Tetea where he halted at Kanan Veng, Aizawl. Report of arrest nad seizure was also prepared. The accused and seizure witnesses' statements were also recorded. The sample was sent to FSL for laboratory examination and the report revealed that the sample was found to contain codein. The accused did not have any license or permission to possess a cough syrup containing codein. Having found prima facie u/s 22(a) of ND&PS Act was found well established against the accused Dilwar Hussain and charge sheet was submitted accordingly.

3. The charge-sheet and its supporting documents were delivered to accused Dilwar Hussain. The accused engaged advocate H.Lalremruata & ors privately in his own expense.

4. The Id. Addl. PP and the Id. counsel are heard at the time of consideration of charge.

5. Accordingly, charge was framed, read over and explained to him in his own language to which the accused pleaded guilty and did not claim for trial.

6. On his own plea of guilt, I find the accused Dilwar Hussain committed offence u/s 22(a) of ND & PS act 1985, and I convicted the accused Dilwar Hussain under the above section of law.
7. The 1d. Defence counsel and the 1d. Addl. P.P. are heard on the question of sentence. He is sentenced to imprisonment already undergone by him with a fine of Rs. 5000/- i.d. 10 days SI.
8. Seized article be destroyed immediately.
9. Given under my Hand and sealed of this court today the 2<sup>nd</sup> July, 2014.
10. Give copy of this order to all concerned.

Sd/-LUCY LALRINTHARI  
Judge,  
Special Court, ND&PS Act.

Memo No. \_\_\_\_\_ND&PS/ : Dated Aizawl, the 2<sup>nd</sup> July, 2014.

Copy to: -

1. Dilwar Hussain C/oH.Lalremruata, Advocate.
2. Public Prosecutor, Aizawl.
3. Dy. SP, Prosecution Branch, Aizawl.
4. O/C, Narcotic PS, Aizawl
5. i/c Judicial Section.
6. Guard File.
7. C.R

**PESHKAR**