

NCB Case No. VIII/25/DZU/2020
SC No. 152/2020
U/s: 9A/25A/29 NDPS Act
NCB Vs Kingsley Ekechukwu @ Amukamara Kingsley

09.11.2020

Present: Sh. Mukesh Malik, Ld. SPP for NCB along with IO Sachin through VC.

Accused Kingsley Ekechukwu @ Amukamara Kingsley not produced from JC as appears to be difficulty in connecting jail no. 10, Rohini.

The second FSL report dated 28.10.2020 of CFSL, Hyderabad filed. As per the FSL report, Ephedrine has not been detected in second sample and Dimethyl Sulphone has been detected.

Ld. SPP submits that Dimethyl Sulphone is not the narcotic drug and psychotropic substance, therefore, no case is made out against present accused and accused is entitled to be discharged.

Heard.

A complaint filed against the accused Kingsley Ekechukwu @ Amukamara Kingsley, u/s 9A, 25A, r/w section 29 NDPS Act and section 14 of foreigners Act on the allegations that he was found in the possession of 15 Kg of substance which on testing with the help of field testing Kit gave positive result for the presence of ephedrine. As per the averments made in the complaint, a secret information was received on 09/06/2020 from Hazrat Nizamuddin Railway station that one foreign nation person has been detained at entry point having some suspicious bag. Pursuant to this information a team of NCB went to Hazrat Nizamuddin Railway station and from the search of the bag of the accused 15 kg of substance was recovered. The said powder on test with the field testing kit gave a positive result for ephedrine. The statement of the accused was also recorded u/s 67 of the NDPS Act and he was sent to the judicial custody and the complaint was filed against him. The sample was sent to CRCL for chemical analysis and

after chemical analysis of the substance the CRCL report dated 06.08.2020 of CRCL, Pusa Road was received according to which the sample did not test positive for Ephedrine. With the permission of this court, second sample was sent to the CFSL Hyderabad. NCB has filed the report dated 28.10.2020 of the CFSL Hyderabad as per which also the second sample sent to CFSL has not tested positive for Ephedrine and has been found to only contain Dimethyl Sulphone. In view of the said report of the CFSL it is therefore clear that the powder recovered from the accused did not contain any contraband. In view thereof, there is no material on record to frame charges against the accused for any offence punishable under NDPS Act. Accused Kingsley Ekechukwu @ Amukamara Kingsley therefore stands discharged in this case. Jail superintendent is directed to send him to deportation centre at Lampur for his deportation to his native country, if not required in any other case. Jail superintendent is also directed to inform FRRO regarding this fact. FRRO is directed to initiate action of deportation, if required, in accordance to law.

Copy of the order be sent to accused Kingsley Ekechukwu @ Amukamara Kingsley and also to jail superintendent for compliance.

This file be consigned to Record Room.

**Announced in the open court through VC
on this 09th day of November, 2020**

**(AJAY KUMAR JAIN)
SPECIAL JUDGE (NDPS)/NEW DELHI**