

SPECIAL PUBLIC PROSECUTOR

**IN THE HON'BLE COURT OF THE XXXIII ADDITIONAL CITY CIVIL &
SESSIONS JUDGE AND SPECIAL JUDGE FOR NDPS ACT AT BENGALURU**

Spl.C.No. 1/2016

BETWEEN:

INTELLIGENCE OFFICER

Narcotics Control Bureau,

Bengaluru Zonal Unit,

Bengaluru

.....COMPLAINANT

AND

Paul Zuma, aged 28 years,

S/o Zuma

R/o H.No. 007,

K R Puram, Bengaluru- 560036.

Accused... A-1

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Bengaluru

.....COMPLAINANT

AND

Paul Zuma, aged 28 years,

S/o Zuma

R/o H.No. 007,

K R Puram, Bengaluru

Accused .. A-1

**COMPLAINT FILED FOR OFFENCES UNDER SECTION 8(C) READ WITH SEC'S
21, 28, 29 AND 32B (D) OF THE NDPS ACT, 1985**

The complainant submits as follows:

1. The Complainant herein is the Intelligence Officer, Narcotics Control Bureau, Bengaluru Zonal Unit, Bengaluru having his office at Yelahanka Post, Bengaluru 560063. It is submitted that the complainant is a public servant and is competent to file this complaint under section 36A of the Narcotics Drugs and Psychotropic Act, 1985.
2. Information was received by Shri. Vishnu Reddy, Intelligence Officer on 29.12.2015 at 05:00 P.M., that 'One foreign national namely Paul Zuma will come near K.R. Puram Circle, Bengaluru for delivering Cocaine at about 08:00 P.M. on 29.12.2015.

3. Acting on the said information and on the direction of Shri Pankaj Gowda, Superintendent, Shri. Vishnu Reddy, Intelligence Officer along with a team of officers & staff reached the spot at around 07:30 P.M. on 29.12.2015. Two persons standing nearby the road were apprised and on asking their introduction, they introduced themselves as Abhishek S/o Prakash Naidu, R/o 77/3, K R Puram, Bengaluru-560036 and Yash S/o Venkatappa, R/o #53, K R Puram, Bengaluru- 560036. The introduction of NCB team was given to them and they were apprised about the secret information and were also requested to be present as independent witnesses during the entire search and panchanama proceedings to which they agreed.
4. Then NCB team along with the witnesses started keeping surveillance. At about 08:00 P.M., they saw one person with features matching the intelligence report near K. R. Puram Circle, Bengaluru riding a Honda Activa Scooter bearing registration no. KA KA 99 XY 6083. Then the NCB team stopped the said person who disclosed his name as Paul Zuma, further he disclosed his address as #007, K R Puram, Bengaluru and said that he is Nigerian national.
5. The NCB team informed him about the information on which Paul Zuma replied that he was carrying cocaine in the right pocket of his pant and he came to K R Puram Circle, Bengaluru to deliver the cocaine to his customers. Before conducting search of the foreign national, NCB officers offered their personal search which was declined by the foreign national. Then NCB officer served notice u/s 50 of NDPS Act to the Nigerian national person and explained that he has legal right to ask for his search to be conducted in the presence of Gazetted Officer or Magistrate to which he declined and gave in writing that any of the present NCB officers can take his search. Thereafter, the NCB officer conducted the search of the person. During the personal search of Paul Zuma, two black colored small packets were recovered from right pocket of his pant and one big packet was recovered from the storage space of his scooter. On opening of these packets, white colored powder material was found in each packet. A small quantity of white color substance was tested from each packet with a field testing kit and gave positive result for cocaine from each packet. On reason to believe that the whole substance is cocaine, the whole substance along with packing material was seized.

6. As the material in each packet was similar in color and texture. The material from all the packets were put in a transparent polythene pouch and weighed together which came out to be 100 grams. Two samples of white color material of 5 grams each and one sample of 90 grams was made and kept in small plastic pouches and heat sealed and again kept them in a brown color paper cover, pasted and a white paper slip was separately pasted on them and marked S1, S2 and S3 respectively. The packing material was kept in a brown color paper cover, pasted and a white paper slip was separately pasted on it and it was marked as P1. The sample S1, S2, S3 and packet P1 were sealed with NCB BENGALURU SEAL NO. 01 and both independent witnesses, seizing officer and the Nigerian national put their signatures on the paper slips. Honda Activa Scooter with registration number KA 99 XY 6083 was also seized and key of the scooter was retained by the seizing officer.
7. Test memo in triplicate was prepared on the spot. Again, all the NCB team offered their personal search which was declined by the Nigerian national and by the independent witnesses. All the samples and packet were taken into custody by the NCB officer. The panchnama proceedings were carried out without causing any damage or loss to any property or person or religious sentiments and ended peacefully at about 10:30 P.M. on the same day.
8. Paul Zuma was issued summons on 29.12.2015 to appear before Shri Vishnu Reddy, Intelligence Officer, Narcotics Control Bureau, Bengaluru Zonal Unit for examination under section 67 of the NDPS Act, 1985. He was explained properly about section 67 of NDPS Act, 1985 by Shri Vishnu Reddy, Intelligence Officer, Narcotics Control Bureau, Bengaluru Zonal Unit. Paul Zuma, in his voluntary statement recorded under section 67 of the NDPS Act, 1985, stated, inter alia that he is in India since 2012 and he came to India on Visa. He came to Mumbai in 2012 and then came to Bengaluru in March 2013. He was actively involved in the drug trafficking from 2012. Besides the drug trafficking, he was also involved in a cloth business. He collected cloth from Tripur and sent it to Nigeria. His visa expired in 2012 but he continued to stay in India after managing to get a fake residential permit in the name of Mr. Robert with Ghana nationality. One Nigerian person provides him with drugs which he supplies to his customers, many of them being college students in Bengaluru. Despite of knowing

that drug trafficking is a punishable crime in India, he continues to be involved in drug trafficking for money.

9. Further on 29.12.2015 at around 8 P.M., when he reached K.R. Puram Circle, Bengaluru with his Honda Activa Scooter bearing registration no. KA 99 XY 6083 to sell cocaine to his customers, NCB officers stopped his scooter and disclosed their identity, and he disclosed his name as Paul Zuma. He also disclosed that he is a Nigerian national currently staying in Bengaluru. NCB officers informed Paul Zuma that they have information that he is in possession of cocaine. To which he replied that he was carrying cocaine in the right pocket of his pant and in the storage space of his scooter. Two persons who were introduced as witness were also along with the NCB officers. A Section 50 notice was given to Paul Zuma in writing by the NCB Officers and he was intimidated about his legal right to personal search in the presence of a magistrate or gazette officer or that any NCB officer could take his search. From the right pocket of his pant, NCB officers found two black colored small packets while conducting his personal search and another big packet from the storage space of his scooter. NCB officers found white color powder on opening these two small packets and the large packet. Upon which they tested the samples with a field testing kit and it showed positive results for cocaine. The total weight was 100 grams. NCB officer prepared three samples, and all packets were sealed with NCB Seal No. 1. NCB officer prepared documents and he along with witnesses and other NCB officer signed. The entire process ended at around 10.30 P.M. Paul Zuma was issued summons to remain present before the NCB officer at NCB Bengaluru office on 30.12.2015 at 10 A.M. Since he did not know the address of NCB Bengaluru office, he requested NCB to let him accompany them to NCB office to which they agreed. When he reached NCB office, he was provided with food after which he took rest. He gave his voluntarily statement at his own will to NCB officer without any fear, or pressure on 30.12.2015.

10. The Accused Paul Zuma has given voluntary statement u/s 67 of the NDPS Act 1985. He says that he was aware of the drug trafficking and he was doing this for earning money. Based on his voluntary statement, the material objects and incriminating documents seized, the accused was arrested at 01:00 P.M. on 30.12.2015 for contravention of the provisions of sections 8(c) read with 21, 28, 29 and 32B (d) of NDPS Act, 1985 as amended and the arrested accused were produced before the

Hon'ble Court of Special Judge for NDPS Act cases, at Bengaluru on 31.12.2015. The Hon'ble Special Judge was pleased to remand the accused to judicial custody. There was no complaint of ill-treatment or harassment by the accused at the time of remand. As directed by the Hon'ble Spl. Judge, the accused was sent to judicial custody in the Central Prison, Bengaluru on the same day.

11. Shri Vishnu Reddy, Intelligence officer submitted a report under Section 57 of the NDPS Act 1985 regarding the seizure of 100 grams Cocaine and arrest report of Paul Zuma on 31.12.2015.
12. Based on the direction of the Hon'ble Court on 31.12.2015, the test memo along with S1 sample of white color powder substance believed to be Cocaine drawn at the time on seizure was sent to the Central Forensics laboratory, Hyderabad. The test report, which is in a sealed cover envelop address to the 33rd Additional City Civil & Session Judge & Special Judge for NDPS cases was collected collected from Central Forensics laboratory, Hyderabad in a sealed cover.
13. On 23.02.2016 at around 10:30 A.M., a team of NCB officials approached, the house of Paul Zuma R/o #007, K R Puram, Bengaluru and conducted a house search as per law after getting a search authorization issued by Narcotics Control Bureau, Bengaluru Zonal Unit in presence of independent witness but nothing incriminating was recovered and a nil panchanama was prepared on the spot.
14. During Jama Talashi of the accused Paul Zuma, one registration certificate/ Residential permit was recovered which was registered in the name of Mr. Robert with Ghana nationality. As per the verification report received by Foreigners Regional Registration Office (FRRO) in the name of Mr. Robert, it seems that the registration certificate/ Residential permit is fake.
15. A letter was addressed to the Deputy Director, FRRO, Bengaluru regarding the details of Paul Zuma's Passport and Visa and as per the verification report received from FRRO, Bengaluru in the above case, no such records are found by FRRO. Therefore, it seems that the Passport and Visa are fake.

16. Summons issued in the name of Shri. Yash to appear before Shri Vishnu Reddy, IO, NCB, BZU on 16.01.2016. Shri. Yash appeared before Shri Vishnu Reddy on 23.01.2016 and gave his voluntarily statement in which he stated about the seizure of 100 grams Cocaine on 29.12.2015 near K R Puram circle, Bengaluru and preparation of documents on the spot and he put his signature on all packets documents.
17. Summons was issued in the name of Shri. Abhishek to appear before Shri Vishnu Reddy, IO, NCB, BZU on 29.12.2015. Shri. Abhishek appeared before Shri Vishnu Reddy on 14.1.2016 and gave his voluntary statement in which he stated about the seizure of 100 grams Cocaine on 29.12.2015 at near K.R Puram Circle, Bengaluru and preparation of documents on the spot and he put his signature on all packets and documents.
18. From the facts enumerated herein above, it transpires that the said accused possessed, transported and attempted to commit offence of illicit trafficking of 100 grams of Cocaine and sold it in Bengaluru, which came to be seized on 29.12.2015 thereby contravening the provisions of Section 8(c) read with 21, 28, 29 and 32 B (d) and punishable under section 21, 28, 29 and 32B (d) of the NDPS Act, 1985. 100 grams of Cocaine is in the commercial quantity and the punishment not less than 10 years and may extend up to 20 years of rigorous imprisonment with fine upto Rs. 2, 00, 000/-.
19. It is submitted that under section 35 of the NDPS Act, the Court shall presume the existence of culpable mental state of the accused and it shall be the defense of the accused to prove that he had no such mental state.
20. It is submitted that under section 66 of the NDPS Act, where an offence under this Act requires the genuineness of the document, the court shall presume the genuineness of the document, but it shall be the defense of the accused to prove to the contrary.
21. It is further submitted that if any other material showing the involvement of the persons who have been shown as accused herein come to light, the complainant will submit the same with the permission of this Hon'ble Court.

22. The memo of Evidence is submitted in Annexure – I. The original documents as detailed in Annexure – II have been submitted to the Court at the time of production of the Accused before the Magistrate after their arrest. The documents relied upon by the prosecution is detailed in Annexure – III which comprises of the documents already submitted to the Court and the documents submitted with the complaint may be taken as part and parcel of the complaint.

The complainant therefore prays that this Hon'ble Court may be pleased to take cognizance of the offence and take this complaint on file and to proceed against the aforesaid accused according to the law and thus render justice.

Encl: Annexure – I, II & III

-Sd-

**VISHNU REDDY
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
BENGALURU ZONAL UNIT**

SPECIAL PUBLIC PROSECUTOR

ANNEXURE – I

MEMO OF EVIDENCE

1. VISHNU REDDY, INTELLIGENCE OFFICER, BENGALURU

To speak about the information report dated 29.12.2015, the panchnama dated 29.12.2015 regarding recovery and seizure and his report under section 57 and summons under section 67 of the NDPS Act., in the name of A – 1 i.e., Paul Zuma, report under section 57 and handing over samples to Central Forensics laboratory, Hyderabad.

2. PANKAJ GOWDA, SUPERINTENDENT, NCB, BENGALURU

To speak about the information, report under section 57

3. CHEMICAL EXAMINAR, CUSTOMS HOUSE LABORATORY, CHENNAI

To speak about the Chemical Analysis Report

4. YASH S/O VENKATAPPA, R/O #53, K R PURAM, BENGALURU- 560036.

To speak about seizure panchnama dated 29.12.2015 and his statement.

5. ABHISHEK S/O PRAKASH NAIDU, R/O #77/3, K R PURAM, BENGALURU- 560036.

To speak about seizure panchnama dated 29.12.2015 and his statement

Dated at Bengaluru on this 2nd day of February, 2016.

-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT

SPECIAL PUBLIC PROSECUTOR

INFORMATION U/S 42 OF NDPS ACT 1985 AS AMENDED

On 29.12.2015 at around 05:00 P.M., a secret and reliable information is received that one foreign national namely Paul Zuma will come near K. R Puram Circle, Bengaluru for delivering cocaine at about 08:00 P.M. on 29.12.2015. He has one Honda Activa Scooter bearing registration no. KA 99 XY 6083.

Submitted for kind information and directions please.

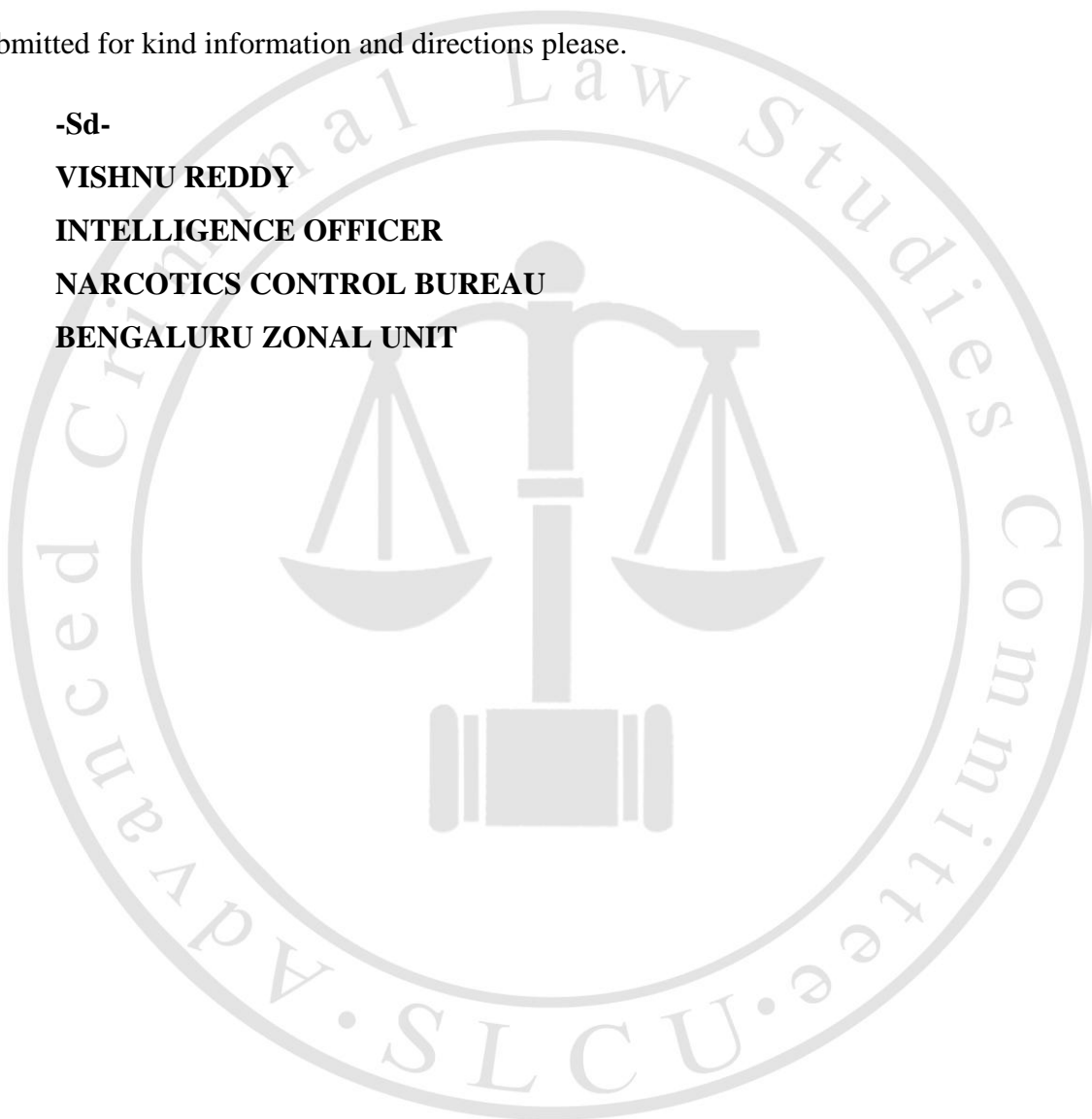
-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT



PANCHNAMA

Date: 29.12.2015

Time: 08:00 PM

Place: Near K. R Puram Circle, Bengaluru- 560036.

Witnesses

1. Abhishek S/o Prakash Naidu, R/o 77/3, K R Puram, Bengaluru-560036.
2. Yash S/o Venkatappa, R/o #53, K R Puram, Bengaluru- 560036.

Today dated 29.12.2015 at about 07:30 P.M., some people approached us near K. R Puram Circle, Bengaluru and identified themselves as officers of NCB, BZU, Bengaluru after showing their identity cards and told that they have information regarding drug trafficking and requested us to be witnesses for panchnama proceedings for which we agreed. The officers then informed us that "One foreign national namely Paul Zuma will come near K. R Puram Circle, Bengaluru for delivering cocaine at about 08:00 P.M. on 29.12.2015. He has one Honda Activa scooter bearing registration no. KA 99 XY 6083. Then we along with the officers started keeping surveillance. At about 08:00 P.M. we saw one person with features matching the intelligence report near K. R Puram Circle, Bengaluru riding a Honda Activa scooter bearing registration no. KA 99 XY 6083. Then NCB team stopped the said person and introduced themselves as officers of NCB, BZU, Bengaluru after showing their identity cards. On enquiry that person disclosed his name as Paul Zuma, disclosed his address as #007, K.R Puram, Bengaluru and said that he is a Nigerian national. The NCB officers informed him that they have received certain information regarding drug trafficking. To this Paul Zuma replied that he is having cocaine in the right pocket of the pant and additionally was also carrying some more in the storage space of his scooter. He came near K. R Puram Circle, Bengaluru for delivering cocaine to his customers. Before conducting search of the Nigerian national, NCB officers offered their personal search which was declined by the Nigerian national. Then NCB officers served notice u/s 50 of NDPS Act to the Nigerian national and explained to him that he has legal right to ask for his search to be conducted in the presence of a gazetted officer or a magistrate, which he declined and gave in writing that any of the present NCB officers can take his search. Therefore, the NCB officers conducted search of the person. During personal search of Paul Zuma, two black colour small packets

were recovered from the right pocket of his pant and one packet was recovered from his scooter. On opening of these three black colour packets a small quantity of white colour substance was recovered and the same was tested with a field testing kit and a positive result for cocaine from each packet was obtained. On reason to believe that the whole substance was cocaine, the whole substance along with packing material was seized. As the material in each packing was similar in colour, and texture, the whole substance from all packets were put in a transparent polythene pouch and weighed which came out to be 100 grams. Two samples of white colour powder substance of 5 grams each and one of 90 grams was made and kept in small polythene pouches and heat sealed and again kept in a brown colour paper cover, pasted and white colour paper slip was separately pasted on them and marked as S1 , S2 and S3 respectively. The packing material was kept in a brown colour paper cover, pasted and white colour paper slip was pasted on it and marked as P1.

The complete sample S1, S2, S3 and packet P1 was sealed with NCB BENGALURU SEAL NO.01 and both of us, seizing officer and the Nigerian national put his dated signature.

Honda Activa scooter bearing registration no. KA 99 XY 6083 was also seized. No documents with respect to vehicle were found and the key was retained by seizing officer. Test memo in duplicate was prepared on the spot. Again, all the officers offered their personal search which was declined by the Nigerian national. All the samples and packet were taken into custody by seizing officer. The panchnama proceedings were carried out without causing any damage or loss to any property or person or religious sentiments and ended peacefully at about 10:30 P.M. on the same date.

Panchnama prepared and seizure effected by me and whole procedure was fully explained to witnesses and the accused.

-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT

TEST MEMO

Name of the seizing agency: Narcotic Control Bureau

Address: Yelanka Post , Bengaluru – 560063

SECTION 1

FOR USE BY THE SEIZING OFFICER

1. Crime no.: 1/2016
2. Name and address of the person from whom contraband are seized:-
Paul Zuma , s/o Mr. Zuma, R/a #007, K. R. Puram , Bangaluru – 560063.
3. Alleged description of the drug and weight of sample: White colour powder substance suspected to be cocaine, two packets of 5 grams each, and one packet of 90 grams.
4. Date and place of seizure: 29.12.2015, near K. R Puram Circle, Bengaluru- 560036.
5. Date of drawal: 29.12.2015
6. No. Of samples and markings on each of them for identification: Three samples, S1, S2 and S3.
7. Description of seal: NCB BENGALURU SEAL NO.01.
8. No. Of seals put on the samples: 3 (Three).

-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT

Government of India
Ministry of Home Affairs
Narcotic Control Bureau,
Bengaluru Zonal Unit
Yelanka Post , Bengaluru – 560063.

Date: 29th December 2015

SUMMONS U/S 67 OF THE NARCOTICS DRUGS AND PSYCOTROPIC

SUBSTANCE ACT, 1985 (AS AMENDED)

WHEREAS I, VISHNU REDDY, Intelligence Officer, Narcotic Control Bureau , Bengaluru Zonal Unit, Yelanka Post , Bengaluru – 560063, **DULY POWERED IN THE PREVENTION OF ILLICIT TRAFFICKING IN NARCOTIC DRUGS AND PSYCOTIC SUBSTANCES**, considers the attendance of Shri/Ms. Paul Zuma, s/o Mr. Zuma, R/a H.No 007, K.R Puram, Bengaluru – 560063 for giving evidence and/or producing documents in respect of an enquiry being made by me in connection with the alleged trafficking and seizure of about 100 grams of cocaine.

Now, therefore, in exercise of the powers conferred on me under section 67 of the N.D.P.S Act, 1985 (as amended), I hereby summon you to come to NCB office at Yelanka Post, Bengaluru – 560063 and appear before me, on 30.12.2015 at 10:00 A.M..

Issued at Bengaluru this 29th day of December 2015.

-Sd-

VISHNU REDDY
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
BENGALURU ZONAL UNIT

**VOLUNTARY STATEMENT OF PAUL ZUMA, S/O MR. ZUMA , AGE 28 YEARS,
R/O H.NO 007, K.R PURAM, BENGALURU - 560063, U/S 67 OF THE N.D.P.S ACT,
1985 ON 30/12/2015 AT NCB, BZU, BENGALURU OFFICE.**

Today, that is, on 30.12.2015 in compliance to summons issued to me dated 29.12.2015, I present myself to you at NCB Bengaluru zoned unit office to give my voluntary statement. You have explained me about section 67 of the N.D.P.S Act, 1985 that if want I can remain silent and that my statement can be used in any court of law against me or any other person. I am giving my statement without any fear or pressure.

On being asked I stated that my name is Paul Zuma. I am aged about 28 years and a Nigerian National. My father's name is Zuma. I came to India in 2012. I was involved in a clothing business from Tripur and used to send clothes to Nigeria. I came to Mumbai in 2012 and then to Bengaluru in March 2013. I have been in the business of dealing with drugs ever since I came to India. My visa got expired in 2012 but I stayed in India as I managed to get a fake residential permit in the name of Mr. Robert with Ghana Nationality. After which, I stayed in India with new identity and new name. One Nigerian person provides me with cocaine, heroin and ganja and I sell these drugs to my customers and many of them are college students in Bengaluru. I do not know his name and contact details. I am aware of the fact that this business is punishable.

On 29.12.2015 at around 8 P.M., I reached near K. R Puram Circle, Bengaluru with my Honda Activa scooter bearing Registration No. KA 99 XY 6083 to sell cocaine to my customers. At that very moment, some persons stopped my scooter and disclosed their identity as NCB officers by showing their identity cards, they inquired about my identity and I disclosed my name as Paul Zuma and other details. NCB officers said that they have information that I am in possession of cocaine to which I replied that I was carrying cocaine in the right pocket of my pant and another packet in the storage space of my scooter. Two persons who were introduced as witnesses were also with them. The NCB officers gave me in writing the section 50 notice and explained to me that it is my legal right that if I want my personal search can be conducted in the presence of a magistrate or a gazetted officer to which I gave in writing that I do not want presence of a magistrate or a gazetted officer and any NCB officer can take my search.

From my personal search, NCB officers found two black color small packing from right pocket of my pant and one packet from the storage space of my scooter. On opening of the three packets, NCB officers found white color powder which they tested with a kit which showed positive for cocaine. The total weight was 100 grams. NCB officers prepared three samples, one packet sealed with NCB seal No.1 and I signed on all samples and packets along with NCB officers and witnesses. NCB officers prepared documents which I along with the witnesses and NCB officers signed and the whole process ended around 10:30 P.M. I was issued summons to remain present before NCB officers at NCB Bengaluru office on 30.12.2015 at 10:00 A.M. As I did not know the address of the NCB Bengaluru office, I requested NCB officers to let me accompany them to NCB office to which they agreed. I reached NCB office, I was given food and rest at NCB office and after that I gave my statement at my own will to NCB officers without any presence of fear or pressure on 30.12.2015.

-Sd-

(Paul Zuma)

30.12.2015

Government of India
Ministry of Home Affairs,
Narcotics Control Bureau
Bengaluru Zonal Unit
Yellahanka post, Bengaluru – 560063

Date: 30th December 2015

ARREST MEMO

Consequent upon the seizure of 100 grams of cocaine on 29.12.2015 from Paul Zuma, s/o Mr. Zuma and on the basis of voluntary statement of Paul Zuma dated 30.12.2015 recorded u/s 67 of the N.P.D.S. act having reason to believe that Paul Zuma has committed offence punishable u/s 8(c) r/w sec. 21, 28, 29, 32B (d) of the N.P.D.S. act. Accordingly, I place Paul Zuma under arrest on 30.12.2015 at 1:00 P.M. Before the arrest, grounds of arrest have been explained to him.

He spoke to his friend, one Mr. Elvis on 30.12.15.

-Sd-

VISHNU REDDY
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
BENGALURU ZONAL UNIT

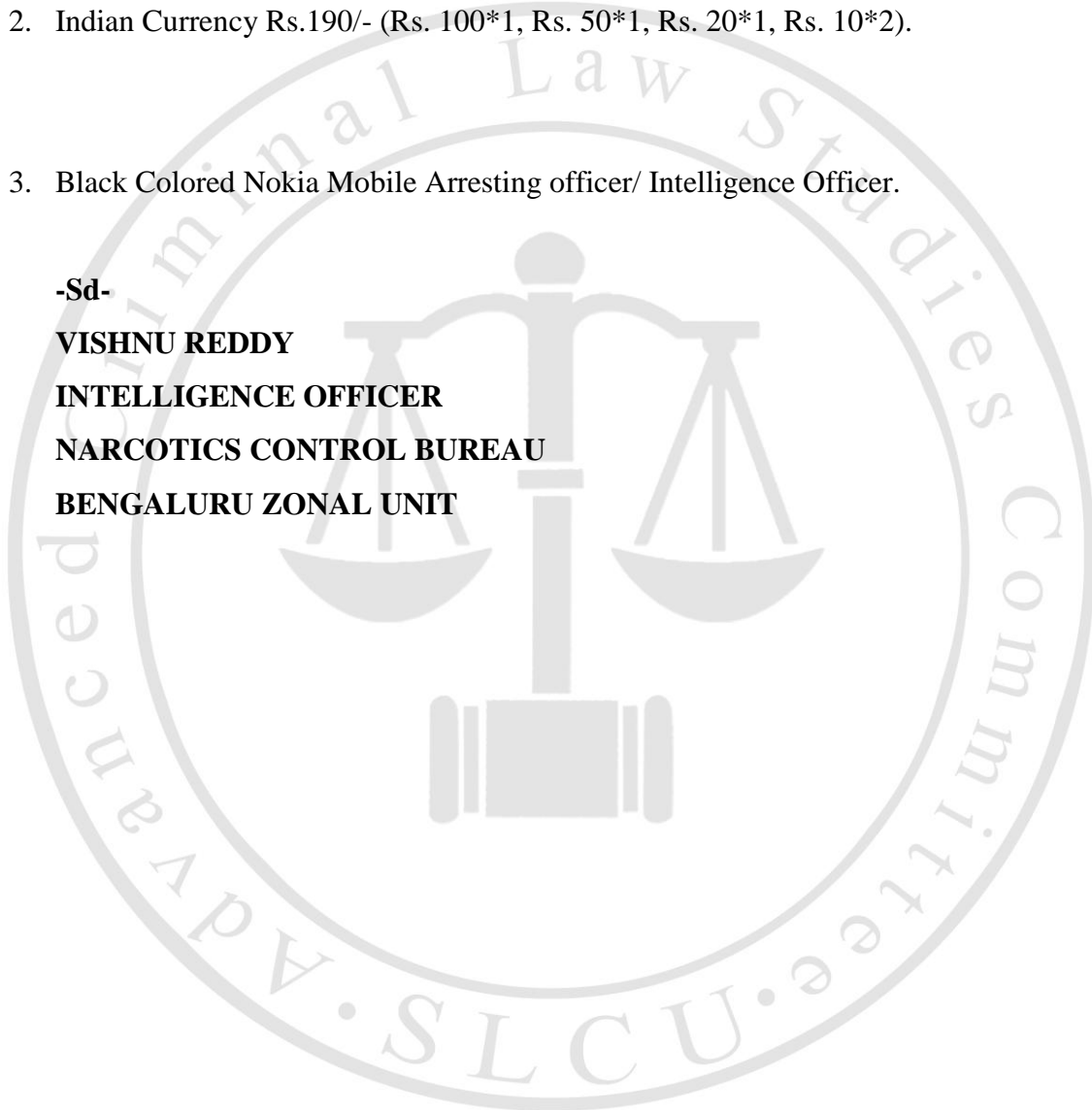
JAMA TALASHI OF THE ACCUSED

The following items were recovered during Jama Talashi of Paul Zuma S/o Mr. Zuma :-

1. Registration Certificate/Residential Permit Sl.No.Rcf 1955 Nigeria, Bengaluru 2015 in the name of Mr. Robert.
2. Indian Currency Rs.190/- (Rs. 100*1, Rs. 50*1, Rs. 20*1, Rs. 10*2).
3. Black Colored Nokia Mobile Arresting officer/ Intelligence Officer.

-Sd-

VISHNU REDDY
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
BENGALURU ZONAL UNIT



MEDICAL CERTIFICATE

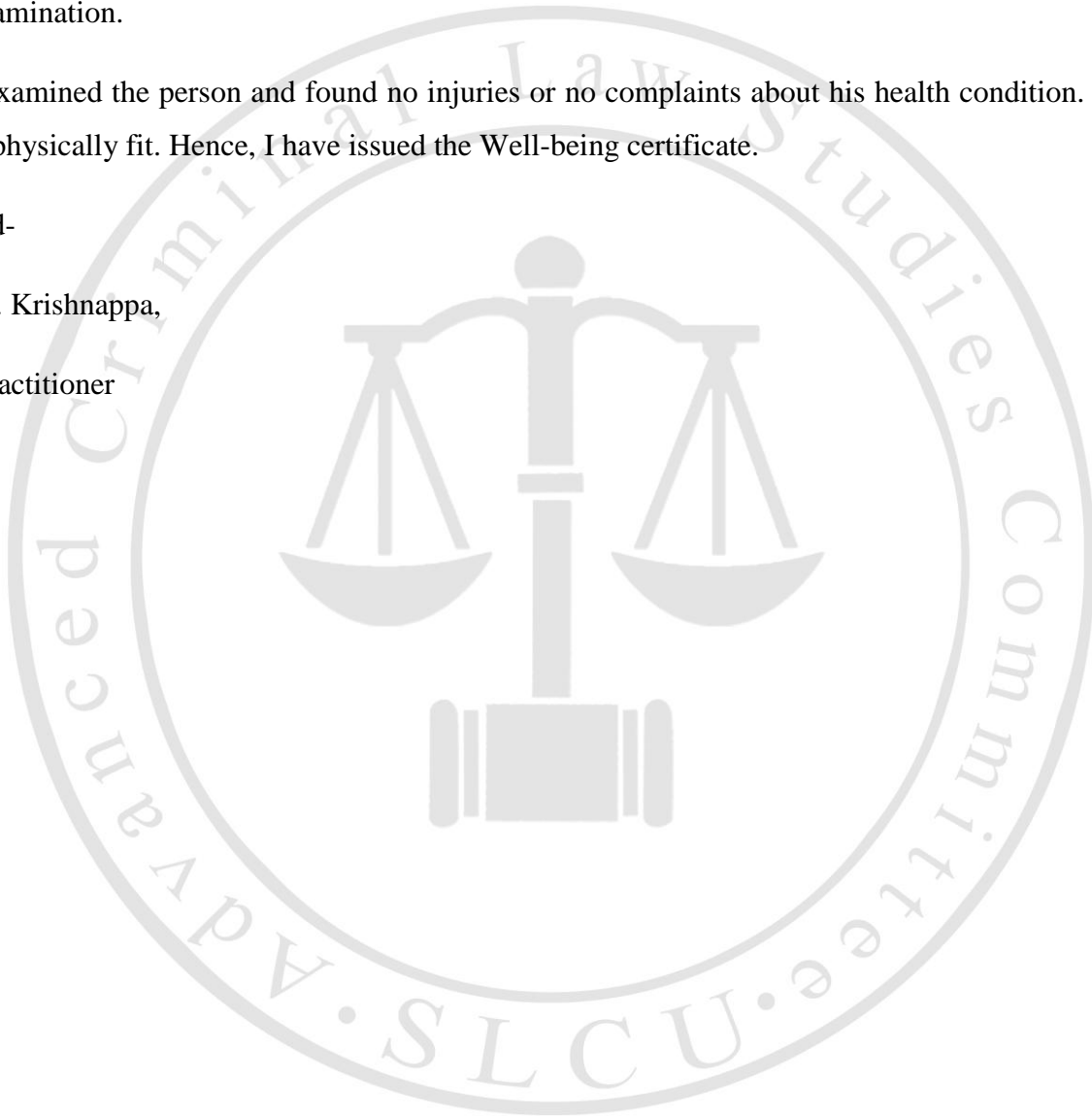
This is to certify that today, that is, 31.12.2015 Intelligence Officer Mr. Ashok Gowda of Narcotics Control Bureau, Bengaluru produced the accused Paul Zuma, S/o Mr. Zuma, age 28 years R/O No.007, K. R. Puram, Bengaluru- 560036 who was arrested in Cr. No. 1/2016 U/s 8(c) read with sec 21, 28, 29 & 32B (d) of N.P.D.S. Act, 1985, with a requisition for examination.

I examined the person and found no injuries or no complaints about his health condition. He is physically fit. Hence, I have issued the Well-being certificate.

-Sd-

Dr. Krishnappa,

Practitioner



IN THE HON'BLE COURT OF IVth ACMM AT BENGALURU

IN NCB F. NO.48/1/8/2014/BZU
(ON THE FILE OF THE PETITIONER)

Intelligence officer

Narcotics Control Bureau

Bengaluru Zonal Unit

Bengaluru

.....Petitioner/Complainant

Vs.

Paul Zuma aged 28 years

S/o Zuma. R/o H. No. 007,

K R Puram, Bengaluru – 560 0--

..... Accused

**REMAND APPLICATION UNDER SECTION 167(2) OF CR.P.C READ WITH
SECTIONS 51 & 53 OF THE N.P.D.S. ACT, 1985 (AS AMENDED)**

The complainant submits as follows:

A secret and a reliable information was received on 29.12.2015 at about 5.00 P.M., that, One foreign National namely Paul Zuma will come near K.R. Puram Circle, Bengaluru delivering Cocaine at about 8:00 P.M. on 29.12.2015. He has one Honda Activa Scooter bearing Registration No. KA 99 XY 6083. After reducing the said information into writing, Shri Vishnu Reddy, Intelligence officer got the necessary directions from the superintendent. Subsequently, a team was constituted and the team reached the spot. At around 07:30 P.M. two persons standing nearby the road were approached near K.R Puram Circle, Bengaluru and on asking their introduction, they introduced themselves as Abhishek S/o Prakash Naidu, R/o 77/3, K R Puram, Bengaluru - 560 036 and YASH S/O VENKATAPPA, #53, K R Puram, Bengaluru and the NCB team introduced themselves as officers of NVB, BZU, Bengaluru by showing their Identity Cards and told that there is a specific information

regarding drug trafficking and requested the two persons to be witness for the Panchanama proceedings for which they agreed. Then NCB officer shared the information that “One foreign national namely Paul Zuma will come near K.R. Puram Circle, Bengaluru for delivering Cocaine at about 08:00 P.M. on 29.12.2015. He has one Honda Activa Scooter bearing registration no. KA 99 XY 6083. Then NCB team along with the witnesses started keeping surveillance. At about 8:00 P.M., they saw one person with features matching the intelligence report near K.R.Puram Circle, Bengaluru riding a Honda Activa Scooter with registration number KA 99 XY 6083.

After successfully stopping him, NCB officials informed him that they has intelligence report that he came near K.R. Puram Circle to deliver cocaine to his customers. Before conducting search of the foreign national the NCB offered their personal search which was declined by the foreign national and by the witnesses. Then the NCB officers served notice under section 50 of the N.P.D.S. Act to the foreign national person and explained that he has legal right to ask for his search to be conducted in the presence of gazette officer of Magistrate to which he declined and gave in writing that any of the present NCB officers can take his search. Thereafter the NCB officer conducted search of the person. During personal search of Paul Zuma, two black colored small packets were recovered from the right pocket of his pants and one packet from the storage space of his scooter. On opening of these packets, white colored powder material was found in each packet. A small quantity of white color substance was tested from each packet with field testing kit and gave positive result for cocaine in each packet. On reason to believe that the whole substance is cocaine the whole substance along with the packing material was seized. As the material in each packing was similar in color and texture the whole substance from each packet was put in a transparent polythene pouch, and weighed which came about to be 100 grams. Three samples of white colored powdered substance of each were made and kept in small plastic pouches and he sealed and again kept them in a brown color paper cover, pasted in a white paper slip was separately pasted on them and marked S1, S2 and S3. The packet material was kept in a brown color paper cover, pasted and a white paper slip was pasted on it and it was marked as P1. The samples S1, S2, S3 and P1 were sealed with NCB BENGALURU SEAL NO. 01 and both independent witnesses, seizing officers and the foreign national put their dated signatures on the paper slip. Honda Activa Scooter with Registration number KA 99 XY 6083 was also seized.

Test memo in triplicate was prepared on the spot. Again, all the NCB team offered their personal search which was declined by the foreign national and by the independent witnesses.

All the samples and packet was taken into custody by NCB officer. The Panchnama proceedings was carried out without causing any damage or loss to any property or person or religious sentiments and ended peacefully at about 10.30 P.M. on the same day. Summons under Sec. 67 of N.P.D.S. Act, 1985 was issued to Paul Zuma for his voluntary statement.

Paul Zuma has given his voluntary statement u/s 67 of N.P.D.S. Act, 1985 in which he admitted that he had the knowledge that drug trafficking is illegal and he was doing this business for earning money since many years. Based on his voluntary statement, the material objects mentioned ANNEXURE -1 and incriminating documents mentioned in ANNEXURE 11. Paul Zuma was arrested on 30.12.2015 at 1.00 P.M., for contravention of the provisions of Sections U/s 8 (c) read with section 21, 28, 29 and 32B (d) of N.P.D.S. Act, 1985 as amended.

As he managed to get a fake Residential Permit in the name of Mr. Robert with Ghana Nationality. Hence, he started staying in India with new identity and new name.

It is therefore prayed that this Hon'ble Court may be pleased to remand the above named accused person to judicial custody for a fortnight from today and request to send the sample containing 5 grams of white colored granular substance believed to be cocaine sealed with NCB BENGALURU SEAL NO 01 and marked as S1 to the Joint Director, Customs House Laboratory, Chennai-1, for Chemical Analysis and thus render Justice.

Dated at Bengaluru, the 31st day of December 2015.

-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT

Enclosed: Annexure I & II

ANNEXURE-I

List of properties:

1. A brown colored envelope containing 05 grams of white color powder substance believed to be cocaine sealed with NCB BENGALURU SEAL NO.01, marked as S1.
2. A brown colored envelope containing 05 grams of white color powder substance believed to be cocaine sealed with NCB BENGALURU SEAL NO.01, marked as S2.
3. A brown colored envelope containing 90 grams of white color powder substance believed to be cocaine sealed with NCB BENGALURU SEAL NO.01, marked as S3.
4. A brown colored envelope containing packing material sealed with NCB BENGALURU SEAL NO.01, marked as P1.

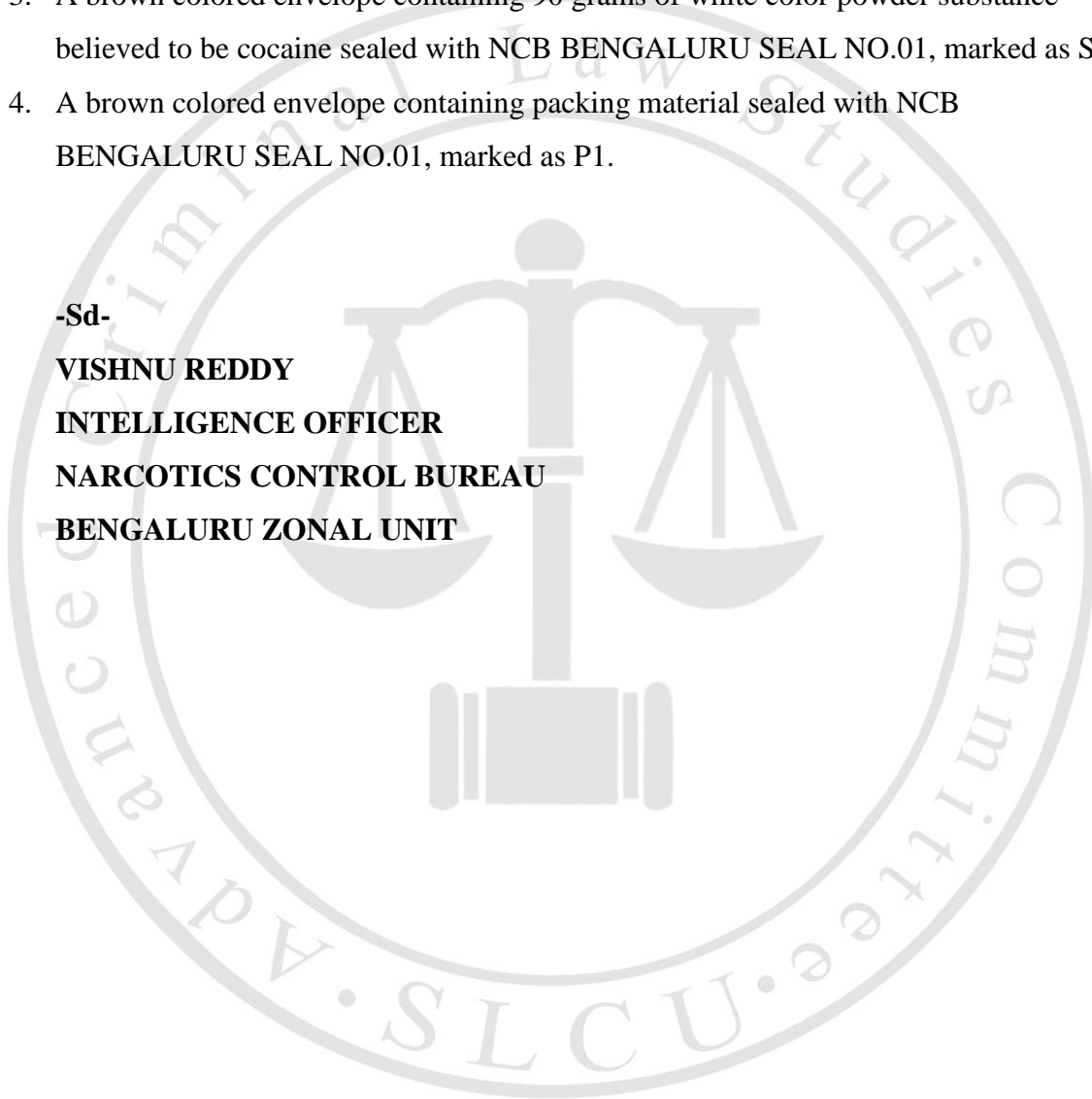
-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT



ANNEXURE-II

List of Original Documents:

1. Information report dated 29.12.2015.
2. Notice u/s 50 of N.P.D.S. Act dated 29.12.2015 served to Paul Zuma.
3. Panchnama dated 29.12.2015
4. Test Memo dated 29.12.2015
5. Summons u/s 67 of N.P.D.S. Act issued to Paul Zuma.
6. Voluntary statement of Paul Zuma dated 30.12.2015.
7. Arrest memo cum jama talashi dated 30.12.2015 in respect of Paul Zuma.
8. Certificate of Paul Zuma.

-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT

Date: 31st December 2015.

To,

The Hon'ble Special Judge

33rd ACC & SJ & Spl. J for N.P.D.S. Act

Bengaluru.

Sub: Sending of Sample for Chemical Analysis and Report – Reg.

Hon'ble Madam/Sir,

Narcotics Control Bureau, Bengaluru Zonal Unit has seized 100 grams of cocaine believed to be cocaine near K.R. Puram Circle, Bengaluru on 29.12.2015.

It is requested that the samples taken from the above seized contraband and sealed with NCB BENGALURU SEAL NO. 01 may please be sent to the Central Forensics laboratory, Hyderabad for quantitative and qualitative chemical analysis of the samples and a report regarding the same to be sent back. The test memo is enclosed herewith.

Yours Faithfully,

-Sd-

VISHNU REDDY

INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU

BENGALURU ZONAL UNIT

NAROCOTICS CONTROL BUREAU, BENGALURU ZONAL UNIT, BENGALURU

Forwarding Memo No. 8/2015.

Dated: 29th December 2015

To,
The Officer In Charge of Godown,
Narcotics Control Bureau,
BZU, Bengaluru.

**FORWARDING MEMO FOR DEPOSIT OF SEIZED NARCOTIC DRUGS &
PSYCHOTROPIC SUBSTANCES (REF: STANDING ORDER 2/18)**

1. Name(s) of the Accused: Paul Zuma
2. Reference of Test Memo: Test Memo Dated 29.12.2014
3. Description of drugs in sealed packet/ container and other goods, if any:

*A brown coloured envelope containing 05 grams of white coloured powder substance believed to be cocaine with NCB BENGALURU SEAL NO. 01 and marked as S1.

*A brown coloured envelope containing 05 grams of white coloured powder substance believed to be Cocaine sealed with NCB BENGALURU SEAL NO 01 and marked as S2.

* A brown coloured envelope containing 90 grams of white coloured powder substance believed to be Cocaine sealed with NCB BENGALURU SEAL NO 01 and marked as S3.

*A brown coloured envelope containing packing material sealed with NCB BENGALURU SEAL NO 01 and marked as P1.

1. Drug-Wise quantity in each sealed packet/ container:
S1 – 05 grams, S2- 05 Grams and S3-90 grams.
2. Drug- wise number of packet/ container:
Two samples S1, S2 and S3.
3. Total number of all packets/ Containers: 03 (three)

-Sd-

**VISHNU REDDY
INTELLIGENCE OFFICER**

ARREST REPORT U/S 57 OF N.P.D.S. ACT, 1985

On the seizure of 100 grams of white coloured powder substance believed to be cocaine on 29.12.2015 near K.R Puram Circle, Bengaluru and on the basis of voluntary statement of Paul Zuma u/s 67 of the N.P.D.S. Act,1985, he was placed under arrest on 30.12.2015 at 01:00 P.M. for offence committed u/s 8(c) read with sec 21, 28, 29 and 32B (d) of N.P.D.S. Act, 1985 as amended. The accused was explained the ground of arrest. The friend of the accused was informed about his arrest through telephone. The accused person was produced before the Hon'ble 33rd Additional City Civil & Sessions Judge and Spl. Judge for N.P.D.S. cases, Bengaluru on 31.12.2015 and he was sent to judicial custody by the Hon'ble Court till 13.01.2016.

Submitted please.

Dated: 31.12.2015

-Sd-

VISHNU REDDY
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
BENGALURU ZONAL UNIT

Submitted to:

The superintendent,
NCB, Bengaluru

SEIZURE REPORT U/S 57 OF N.P.D.S. ACT, 1985

On receipt of secret and reliable information on 29.12.2015 at about 05:00 P.M. that one foreign national namely Paul Zuma will come near K.R Puram Circle, Bengaluru for delivering Cocaine at about 08:00 P.M. on 29.12.2015. He has one Honda Active Scooter bearing Registration No. KA 99 XY 6083. After reducing the said information into writing and getting necessary directions from the Superintendent, I along with team members proceeded to the said place. We approached two independent witnesses. Then, we and witnesses started keeping surveillance. At about 08:00 P.M. Activa scooter with registration number KA 99 XY 6083 was spotted at K.R Puram Circle, we stopped the said person and introduced ourselves as officers of NCB Bengaluru after showing our ID cards. On enquiry, that person disclosed his name as Paul Zuma said that he is Nigerian national. After which, I served notice u/s 50 of N.P.D.S. Act to the Nigerian national. During the personal search of Paul Zuma, two black coloured small packets were recovered from the right pocket of his pant and one packet was recovered from the storage space of his scooter. On opening of these three packets, white coloured powder material was found in each packet. A small quantity of white colour substance was tested from each packet with field testing kit, which gave positive result for cocaine. The whole substance along with packing material was seized following all legal formalities. The whole material was weighed and the weight came out to be 100 grams. Paul Zuma gave his voluntary statement, the material objects and incriminating documents seized; he was arrested in 30.12.2015 for contravention of the provisions of sections 8(c) read with 21, 28, 29 and 32B (d) of NDPA Act, 1985 as amended. The accused person was produced before the Hon'ble 33rd Additional City Civil & Sessions judge and Spl. Judge for N.P.D.S. cases, Bengaluru on 31.12.2015 and he was sent to judicial custody by the Hon'ble Court till 12.01.2016. The investigation of the case is in progress.

Submitted please.

Dated: 31.12.2015

-Sd-

VISHNU REDDY

IO, NCB, BZU.

Submitted to: The Superintendent

NCB, Bengaluru

STATEMENT OF YASH S/O VENKATAPPA, R/O #53, K R PURAM, BENGALURU-560036,U/S 67 OF N.D.P.S. ACT, 1985

In reference to summons served to me by Shri. Vishnu Reddy, Intelligence Officer, Narcotics Control Bureau, Bengaluru Zonal Unit u/s 67 of N.D.P.S. Act on 29.12.2015, I, Shri Yash residing at the address mentioned as above, voluntarily and without any duress submit my statement. I am aware that I am telling the truth and that this can be used as legal evidence in legal proceedings.

Today dated 14.01.2016, I, **Yash S/O Venkatappa, R/O #53, K R Puram, Bengaluru-560036**, hereby present before you in compliance to the summons issued by Shri. Vishnu Reddy, Intelligence Officer, Narcotics Control Bureau, Bengaluru, u/s 67 of the N.D.P.S. Act. I was explained properly about section 67 of the N.D.P.S. Act by Shri. Vishnu Reddy, Intelligence Officer, Narcotics Control Bureau, Bengaluru, that I am free for giving or not giving my statement and the statement given by me can be used against me or any Court of Law established in India.

On being asked, I state that my father's name is Shri Venkatappa and my age around 19 years. I passed 12th standard and I know English. I am working in Manufacturing Company for almost one and half years.

On 29.12.2015 at around 07:30 P.M., some persons have approached me near K.R. Puram Circle, Bengaluru and identified themselves as officers of NCB, BZU, Bengaluru by showing their identity card and told that they have information regarding a drug trafficker and requested us to be witnesses for Panchnama proceedings to which I and Abhishek agreed. Abhishek has a vegetable shop near K.R. Puram Circle. After having consented to become the witnesses, the officials shared the intelligence report that the accused will be riding a Honda Activa Scooter with Registration No. KA 99 XY 6083.

After having spotted the Honda Activa Scooter, the NCB team stopped the said person and introduced themselves by showing identity cards. On asking, he voluntarily disclosed his name Paul Zuma and also his address. The NCB team informed him about the information. Before conduction of search of the Nigerian national NCB team offered their personal search

which was declined by the Nigerian national. Then NCB officer served notice u/s 50 of N.P.D.S. Act to Paul Zuma and explained that he has legal right to ask for his search to be conducted in the presence of Gazetted Officer or Magistrate to which he declined and gave in writing that any of the present NCB officers can take his search. Thereafter the NCB officers conducted search of the person.

During personal search of Paul Zuma, two black colored small packets were recovered from the right pocket of his pant and another packet from the storage space of his scooter. On opening of these packets, white colored powder material was found in each packet. A small quantity of white colored substance was tested from each packet and gave positive result for cocaine from each packet. The whole substance along with packing material was seized.

The whole packet with the white color substance was put in a transparent polythene pouch and weighted which came out to be 100 grams. Two samples of white color powder substance of 5 grams each and one sample of 90 grams were made and kept in small plastic pouches and heat sealed and three black color packing material was also seized and I, Abhishek, and the foreign national put their signature on all the samples, seized packets and Panchnama. Honda Activa Scooter with registration number KA 99 XY 6083 was also seized. The entire proceedings were conducted on the spot. This statement consists two pages.

-Sd-

Yash

Date: 14.01.2016

**STATEMENT OF ABHISHEK S/O PRAKASH NAIDU, R/O #77/3, K R PURAM,
BENGALURU- 560036. U/S 67 OF N.D.P.S. ACT OF 1985.**

In reference to summons served to me by Shri Vishnu Reddy, Intelligence Officer, Narcotics Control Bureau, Bengaluru Zonal Unit u/s 67 of N.D.P.S. Act on 29.12.2015, I, Shri Srinivasa residing at the address mentioned as above, voluntarily and without any duress submit my statement. I am aware that I am telling the truth and that this can be used as legal evidence in legal proceedings on being asked.

I state that my father's name is Prakash, my age is 24 years. I passed 2nd P.U. and I know English. I have a vegetable shop opposite K.R. Puram Circle. I am in Bengaluru from the last three years.

On 29.12.2015 at around 07:30 P.M., some persons have approached me near K.R. Puram Circle, Bengaluru and identified themselves as officers of NCB, BZU, Bengaluru by showing their identity card and told that they have information regarding a drug trafficker and requested us to be witnesses for Panchnama proceedings to which I and Abhishek agreed. Abhishek has a vegetable shop near K.R. Puram Circle. After having consented to become the witnesses, the officials shared the intelligence report that the accused will be riding a Honda Activa Scooter with Registration No. KA 99 XY 6083.

After having spotted the Honda Activa Scooter, the NCB team stopped the said person and introduced themselves by showing identity cards. On asking, he voluntarily disclosed his name Paul Zuma and also his address. The NCB team informed him about the information. Before the conduct of search of the Nigerian national, the NCB team offered their personal search which was declined by the Nigerian national. Then NCB officer served notice u/s 50 of N.P.D.S. Act to Paul Zuma and explained that he has legal right to ask for his search to be conducted in the presence of a Gazetted Officer or Magistrate to which he declined and gave in writing that any of the present NCB officers can take his search. Thereafter the NCB officers conducted search of the person.

During personal search of Paul Zuma, two black colored small packets were recovered from the right pocket of his pant and another packet from the storage space of his scooter. On opening of these packets, white colored powder material was found in each packet. A small quantity of white colored substance was tested from each packet and gave positive result for cocaine from each packet. The whole substance along with packing material was seized.

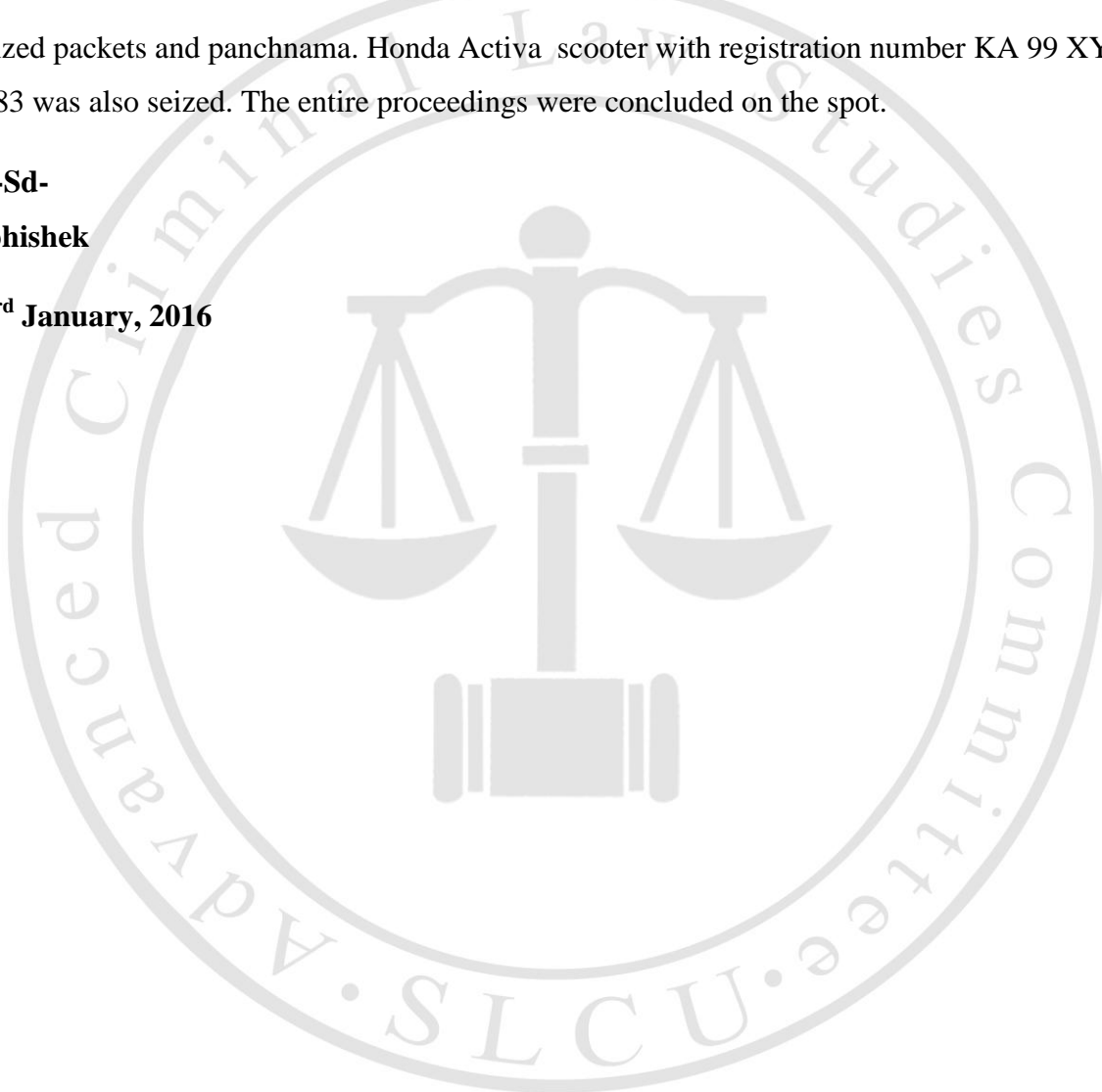
The whole packet with the white color substance was put in a transparent polythene pouch and weighted which came out to be 100 grams. Two samples of white color powder substance of 5 grams each and one sample of 90 grams were made and kept in small plastic pouches and heat sealed and three black color packing material was also seized and I, Yash, and the foreign national put their signature on all the samples, seized packets and Panchnama. Honda Activa Scooter with registration number KA 99 XY 6083 was also seized. The entire proceedings were conducted on the spot. This statement consists two pages.

Seized packets and panchnama. Honda Activa scooter with registration number KA 99 XY 6083 was also seized. The entire proceedings were concluded on the spot.

-Sd-

Abhishek

23rd January, 2016



PANCHANAMA

Place:

H.No.007, K.R.Puram,Bengaluru.

Witness:

1. K M Joshi
H.No 006, K.R.Puram,Bengaluru-560 036
2. Mithilesh Kumar Joshi
H.No.006, K.R.Puram,Bengaluru- 560 036

We the Panchas were appointed by a small group of people 23.01.2016 at around 10.30 hrs. They introduced themselves as NCB officials by showing their ID cards. This NCB team consisted of a lady officer. Then the NCB team informed us that the seizure of 100 grams cocaine affected by NCB Bengaluru at in front of K. R. Puram Circle, Bengaluru-560036 on 29.12.2015 and one person was arrested. The NCB team showed us the search authorization for the search of the house No. 007, K.R.Puram, Bengaluru. On asking, we introduced ourselves and informed the NCB team that we, K. M. Joshi and Mithilesh Kumar Joshi are the tenants of flat no. 006 of the same building. Then the officers requested us to be present as witness for this house search, for which we voluntarily agreed. On being asked about the house which was rented to Paul Zuma S/o Zuma, we took the NCB team to the 3rd floor of the said building. The NCB team requested us to open the lock of his house. With the help of the duplicate keys from the Mr. Ram, the watchman of the building, we opened the lock of Paul's house. Before, entering this house, the NCB team offered their personal search to us for which we declined. Thus the search of the house was conducted by the NCB team in our presence. During the search nothing incriminating was found. No articles/items were seized by the NCB team. Then the house was locked and the key of this house was handed over to us, which were duly returned to the watchman. The search of this house was conducted peacefully. No religious sentiments were hurt and no property was damaged during the search proceeding. Then the NCB team again offered their personal search to us for which we declined. Hence a nil Panchanama is prepared in this regard and the house search concluded peacefully at 11.30 A.M.

-Sd-

VISHNU REDDY (IO, NCB, BZU).

**IN THE HON'BLE COURT OF THE XXXIII ADDITIONAL CITY CIVIL &
SESSIONS JUDGE AND SPECIAL JUDGE FOR NDPS ACT AT BENGALURU**

Spl.C.No. /2016

BETWEEN:

INTELLIGENCE OFFICER

Narcotics Control Bureau,

Bengaluru Zonal Unit,

Bengaluru

.....COMPLAINANT

AND

Paul Zuma, aged 28 years,

S/o Zuma

R/o #007, K R Puram, Bengaluru

Accused .. A-1

Index

List of Defense Witnesses –

1. Mr. Reddy
2. Mr. Ram Prasad

STATEMENT OF MR. REDDY R/O NO.-001, K.R PURAM, BENGALURU- 560036

U/S 67 OF THE N.P.D.S. ACT 1985.

I, Shri. Reddy, residing at the address mentioned as above voluntarily and without any pressure submit statements. I am aware that I am telling the truth and that this can be used as legal evidence in legal proceedings.

On being asked I stated that my father's name is Reddy Sr. and I'm around 54 years of age, I am an Engineer and presently working for last 12 years as a General Manager in Bengaluru. I have two sons.

I am the owner of the apartment and I know the accused personally and he has been staying at my apartment for the past 8-9 months. I have been informed that he was taken into custody for carrying contraband substance (Cocaine). It was a shocking news as he has also been a good tenant who has always complied with the apartment rules and I had no complaints from any of the other tenants regarding him. He has also been prompt with the rent and only once during his stay was he late, but he did pay that month's rent, although a little late. He shows up on time and never created any mess. Intoxication of any sort within the apartment is strictly prohibited. And as no one has complained of Paul indulging in any form of intoxication within the apartment premises, I assume that he does not indulge in any form of intoxication, but I cannot tell this with surety though. To be honest, I was in a shock when I heard he was in custody.

-Sd-

Reddy

STATEMENT OF MR. RAM PRASAD R/O NO.- 77, WHITEFIELD GATE,
BENGALURU- 560066 U/S 67 OF THE N.P.D.S. ACT 1985

I, Shri. Ram Prasad, residing at the address mentioned as above voluntarily and without any pressure submit the following statements. I am aware that I am telling the truth and that this can be used as legal evidence in legal proceedings.

I am aware that I am telling the truth and that this can be used as legal evidence in legal proceedings.

On being asked I stated that my father's name is Prasad and I'm around 44 years of age, I am an Architect and presently have my own firm in Brigade Road. I am a Widower and have a son.

On 28.12.2015 at around 8 PM, I was having food near K. R. Puram Circle. I had just finished eating dinner at a hotel and was paying the bill. As I was paying the bill, I saw an individual on a Honda Activa. The street was very crowded and I couldn't see it properly. As he was riding, he was stopped by a few individuals in civilian dress with what looked like ID cards in their hands. I was around 20 feet away and I wasn't able to read what the cards said. There were around 4 to 5 people who surrounded the man on the Honda Activa. After showing their ID cards, the individual got off the vehicle and after being questioned for a minute and the crowd further began to accumulate.

Just like any other individual I went closer to see what was happening. It took me about 1 minute to reach the spot and work my way through the crowd. As soon as I reached, the 4 individuals along with the foreign national left the spot immediately. I didn't follow up as to what happened after.

-Sd-

Ram Prasad