

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5191/2014**

DIRECTORATE OF REVENUE INTELLIGENCEPetitioner

Through: Mr. Satish Aggarwala and Amish
Aggarwala, Advocates

versus

ANIL KUMAR & ORS.Respondents

Through: Mr. Jitender Kumar Tyagi and Mr.
Rohil Kaliya, Advocates for
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
18.05.2015

1. In this petition, quashing of order of 21st October, 2014 of Special Judge, NDPS, Saket, New Delhi is sought. Vide aforesaid order, petitioner's application of 25th April, 2014 seeking cancellation of bail granted to respondent-accused stands dismissed while observing as under:-

"However, since the above bail orders of this Court have already been set aside by the Hon'ble High Court and the accused persons have been directed to surrender to custody, the above application dated 25.04.2014 of DRI seeking cancellation of bail of the accused becomes infructuous and is being formally dismissed as such today."

2. At the hearing, it was submitted by learned counsel for petitioner

that respondents No.1 and 3 are in custody and respondent No.2 is absconding. Learned counsel for petitioner further submitted that petitioner is aggrieved by the afore-noted observations made in the impugned order.

3. The submission advanced by petitioner, which is beyond comprehension, is that cancellation of bail granted to respondent-accused was sought on different grounds than the ones on which a coordinate Bench of this Court has cancelled the bail granted to respondent-accused.

4. Although it is averred in this petition that the Special Judge had given liberty to seek cancellation of bail but the said liberty was given on account of change of fact situation. The change was that the report from FSL, Hyderabad incriminates respondent-accused persons and therefore, the conditional bail granted by Special Judge already stands cancelled by a coordinate Bench of this Court vide order of 23rd September, 2014 (*Annexure-B*).

5. In the considered opinion of this Court, filing of this petition in November, 2014 and insistence of petitioner's counsel to press this petition is not at all justified. While resisting to impose exemplary costs, this petition is dismissed as misconceived.

6. This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 18, 2015

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