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

Date of Decision: August 31, 2015

+ CRL.M.C. 3565/2015 & Crl.M.A.No. 12645/2015

ASHOK KUMAR TRIPATHI Petitioner

Through: Mr. R.K. Tarun, Advocate

versus

NARCOTICS CONTROL BUREAU Respondent

Through: Mr. Rajessh Manchanda &
Mr.Rajat Manchanda, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Petitioner is an accused in complaint case No.VIII/4/DZU/2015, *NCB Vs. Satyam Kumar Sah & ors.*, registered under Sections 22/23/25A/29 of *The Narcotic Drugs and Psychotropic Substances Act, 1985*, in which petitioner's application under Section 36 A(4) of *The Narcotic Drugs and Psychotropic Substances Act, 1985* stands allowed vide impugned order of 26th August, 2015. Over and above 180 days, investigating agency has been granted 60 days' more to complete investigation and petitioner's judicial remand has been extended by another 15 days i.e. till 9th September, 2015.

At the hearing, learned counsel for petitioner relies upon Apex Court's decision in *Union of India Vs. Thamisharasi & ors.* (1995) 4 SCC

190 to submit that petitioner is entitled to default bail by virtue of Sub-Section 2 of Section 167 of Cr.P.C., as the aforesaid provision applies except where there is inconsistency between the said provision and provisions of *The Narcotic Drugs and Psychotropic Substances Act, 1985*. It is pointed out by learned counsel for petitioner that specific reasons have to be given for detention of accused beyond a period of 180 days, whereas impugned order gives no such reason.

Upon hearing and on perusal of the impugned order and the decision cited, I find that impugned order contains reasoning for granting 60 days' more for completing investigation. Since impugned order gives no reasoning for extending detention of petitioner beyond 180 days, therefore, petitioner is at liberty to seek default bail by filing a separate application before the trial court and it would be open for trial court to now give specific reasons for further detention of petitioner beyond 180 days.

With aforesaid observations, this petition and application are disposed of with liberty to petitioner to rely upon Apex Court's decision in *Union of India Vs. Thamisharasi & ors.* (1995) 4 SCC 190 to seek default bail before the trial court.

(SUNIL GAUR)
JUDGE

August 31, 2015

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