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

+ CRL.M.C. 1340/2015

NARCOTICS CONTROL BUREAU Petitioner

Through: Mr. B.S. Arora, Advocate

versus

MAYANK AGGARWAL Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **11.07.2018**

Though the Special Judge presiding over the trial of the case (SC No.17/14) instituted by the petitioner had framed charges for the offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 against the accused persons including the respondent herein, by the impugned order dated 17.01.2015, she enlarged the respondent on bail, *inter alia*, observing that the issue of *mens rea* was open to debate in the present case, the accusation against the respondent about possession of the contraband drug (cough syrup) essentially pertaining to he not holding a valid drug licence. The co-accused concededly are also on bail.

In these circumstances, this court declines to interfere in the view taken by the special judge in exercise of the judicial discretion, there apparently being no perversity in the impugned order.

It must, however, also be added at this stage that nothing observed in the impugned order shall be treated as the final expression of opinion on merits of the case.

The petition is dismissed.

JULY 11, 2018
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R.K.GAUBA, J.