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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1961/2016**

NARCOTICS CONTROL BUREAU

..... Petitioner

Through: None

versus

RAGHAV SEHAJPAUL

..... Respondent

Through: Mr. Yogesh Saxena and Priya Saxena,
Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.09.2018

When the matter came up in the morning request for adjournment was declined. The proxy counsel was present at that stage on behalf of the counsel for the petitioner and sought matter to be deferred so that the main counsel could come and argue. The matter was kept in wait. In spite of repeated calls after one round, there is no appearance for the petitioner till 4.00 p.m. There is no good ground to adjourn.

Having heard the learned counsel for the respondent, this court finds no substance or merit in the petition. By order dated 06.06.2015 in Sessions case 7/2015, the respondent was released on bail pending trial, similar request of co-convict having been declined. The petitioner has assailed the said order seeking its cancellation invoking Section 439(2) read with Section 482 of the Code of the Criminal Procedure, 1973 (Cr.PC) by the petition at hand.

CRL.M.C. 1961/2016

page 1 of 2

The contentions primarily raised in the petition are that the offences on the charge relating to which the petitioner is facing trial are quite serious, the grounds on which he has been admitted to bail being erroneous. It is noted that prior to the impugned order being passed, the trial Judge had considered the issue of charge. He had framed charge under Section 20(b)(ii)(B) read with Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 against the petitioner on 03.06.2015. The said order framing charge has not been challenged. It is clear from the gravamen of the charge formally framed that the petitioner is not being accused of having any dealing in commercial quantity of the contraband. The learned Special Judge has taken note of the young age (22 years), of the petitioner at the relevant point of time his social background and clean past record while extending the benefit of release on bail pending trial. Such considerations cannot be faulted.

The petition is dismissed.

R.K.GAUBA, J.

SEPTEMBER 20, 2018

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CRL.M.C. 1961/2016

page 2 of 2