

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 297 of 2020**

State Of Chhattisgarh Through Police Station Borai, District :
Dhamtari, Chhattisgarh

---- Petitioner**Versus**

1. Kuldeep Kumar S/o Ajit Singh Aged About 40 Years R/o Village Morkhedi, Police Station Sankla, District Rohtak (Haryana)
2. Harish Chandaliya S/o Satpal Chandaliya Aged About 30 Years Caste Valmiki, R/o Village Pasinakala, Tahsil Bapoli, Police Station Panipat Sadar, District Panipat (Haryana)

--- Respondents

For Petitioner/State : Mr. Pawan Kesharwani, PL

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava****17.03.2021**

1. Heard on prayer for condonation of delay.
2. The appeal appears to be barred by 108 days. Taking into consideration the period of delay and cause shown, we are inclined to condone the delay. Accordingly, delay is condoned.
3. Also, heard on prayer for grant of leave to appeal against the judgment of acquittal dated 01.07.2019 passed by the Court of the learned Special Judge (N.D.P.S. Act), Dhamtari, District – Dhamtari, C.G. in Special Criminal Case (N.D.P.S. Act) No.223/2017, by which, the respondent/accused has been acquitted of the charges for commission of Offences under Section 20 (B)(II)(C) of the N.D.P.S. Act, 1985.

4. Upon due consideration and submission of learned counsel for the State that despite reliable evidence led by the prosecution particularly the Investigating Officer with regard to seizure upon due compliance of various provisions of N.D.P.S. Act followed by safe custody and report of FSL, acquittal has been ordered on trivial discrepancies with regard to compliance of Section 42 (2) NDPS Act and there is substantial compliance of provisions contained in Section 57 of NDPS Act, we are inclined to grant leave to appeal. Accordingly, application for grant of leave to appeal is allowed.

5. The appeal filed by the State be registered as Acquittal Appeal and be listed for further orders.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge