

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 518 of 2020

State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa,
District Raipur Chhattisgarh, District : Raipur, Chhattisgarh ---- **Petitioner**

Versus

Jitendra Rai R/o Pawan Kumar Rai Aged About 25 Years R/o 68, Pachmari Banda,
Ward No. 13, Bana Banda, District Sagar Madhya Pradesh, District : Sagar,
Madhya Pradesh ---- **Respondent**

For State/Petitioner : Mr. Mateen Siddiqui, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

26/03/2021

Heard on prayer for condonation of delay in filing appeal as well as prayer for grant of leave to appeal.

Even if we were inclined to condone the delay in filing the instant appeal, we do not find any merit in this case because the acquittal is based on the conclusion of the learned Trial Court that the entire investigation are vitiated as they were conducted by incompetent Police Officer who is not empowered under the provision of the NDPS Act to carry out various proceedings which are of mandatory in nature. In order to come to this conclusion, learned trial Court has relied upon well settled legal position adumbrated by the Supreme Court in the case of **State of Punjab Vs. Balbir Singh, 1994(3) SCC 299** and also judgment of the High of Madhya Pradesh in the case of **Soloman Vs. State of M.P., 2001(3) MPHT 72 CG**. In the absence of there being any patent illegality or perversity in the judgment of acquittal so as to call for interference, given the limited scope of interference against the judgment of acquittal. No case is made out for grant of leave to appeal. Therefore, the CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Narendra Kumar Vyas)
Judge