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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 63/2022**
NARCOTICS CONTROL BUREAU

.....Petitioner

Through: Mr. Subhash Bansal, Sr.SC with Mr.
Raghav Bansal, Adv.

versus

ANUJ GOSAIN

.....Respondent

Through: Mr. Shivender Kr. Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
28.11.2024

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1. This is a petition seeking leave to appeal against the judgment dated 12.02.2020 passed by the Special Judge (NDPS), Patiala House Courts, New Delhi in Case No. SC/9435/16, wherein the respondent has been acquitted for charges framed under Sections 29, 25A and 23(c) read with Section 28 of the NDPS Act.
2. It is stated by Mr. Bansal, learned senior SC that the learned Special Judge failed to appreciate that the respondent was in illegal possession of narcotic drugs and was in active conspiracy with the co-accused namely Mr. Lokesh Chadha. Mr. Lokesh Chadha has been already held guilty, convicted and sentenced to 10 years rigorous imprisonment.
3. The learned Special Judge further failed to appreciate that the respondent had booked the alleged parcel containing the contraband under his own identity and hence, the offence of conspiracy is clearly



made out. It is further on record that the appellant had previously sent such parcels.

4. According to me, these issues need consideration.
5. For the said reasons, the present leave to appeal against the judgment dated 12.02.2020 passed by the Special Judge (NDPS), Patiala House Courts, New Delhi in Case No. SC/9435/16 is allowed.

CRL.A. /2024 (TO BE NUMBERED)

6. “Admit”.
7. List in due course.

JASMEET SINGH, J

NOVEMBER 28, 2024 / (MS)

Click here to check corrigendum, if any