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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 896/2024

GOPAL GUPTA

..... Applicant

Through: Mr.Aditya Aggarwal,
Mr.Naveen Panwar, Ms.Kajol
Garg, Ms.Shivani Sharma,
Advs.

versus

STATE

..... Respondent

Through: Mr.Sanjeev Bhandari, ASC
(CrI.), Mr.Kunal Mittal,
Ms.Charu Sharma, Mr.Arjit
Sharma & Mr.Vaibhav Vats,
Advs. with SI Naresh Kumar

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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10.05.2024

1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') read with Section 36A(3) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act'), praying for the applicant to be released on Bail in FIR No.0118/2023 registered at Police Station: Crime Branch, Delhi under Sections 21/61/85 of the NDPS Act.

2. The learned counsel for the applicant submits that there is a discrepancy in the Seizure Memo and the FSL Report regarding the colour of the alleged contraband that has been recovered from the applicant. He submits that this itself casts a doubt on the case of the prosecution. He submits that he would be satisfied if the learned Trial



Court is requested to first examine the concerned officer from the Forensic Science Laboratory, Rohini, Delhi.

3. The learned ASC submits that he has no objection if such a direction is issued to the learned Trial Court.

4. Accordingly, the learned Trial Court is requested to examine the concerned officer from FSL first.

5. In view of the above, the learned counsel for the applicant prays for leave to withdraw the present application with liberty to move afresh, if so advised.

6. The application is dismissed as withdrawn with liberty to the applicant to file a fresh application for seeking bail, if so advised, after the witness from the FSL has been recorded. It is made clear that this Court has not expressed any opinion on the merits of the application or the contentions raised in the present application or those recorded above.

NAVIN CHAWLA, J

MAY 10, 2024/Arya/ss

Click here to check corrigendum, if any