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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2713/2024 CRL.M.A. 26652/2024**
MANAN SAHPetitioner

Through:

versus

STATE OF GNCT OF DELHI AND ORSRespondents

Through: Mr. Amol Sinha, ASC for the State.
SI Udit Kumar PS Anti Narcotics
Squad

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **04.09.2024**

1. This petition has been filed seeking quashing of proclamation proceedings dated 15th May, 2024 and non-bailable warrants dated 27th February, 2024.
2. This relates to proceedings in FIR No. 02/2024 registered under Section 20 of the NDPS Act at Police Station Paschim Vihar.
3. A recovery was made from Raj Kumar @ Raju on 1st January, 2024 of 6.47 kg of Ganja which is of intermediate quantity. Basis a disclosure by Raj Kumar, the main accused, that he had sourced the contraband from the petitioner, attempts were made to investigate and interrogate the petitioner; however, he was not available.
4. On 2nd February, 2024, the Investigating Officer (I.O) went to the house of the petitioner to make him join the investigation, however, he was not available. Notice under Section 67 of the NDPS Act was pasted outside the residence and he was asked to join the investigation on 5th February, 2024.



Then I.O. visited on 9th February, 2024 and again he was not found at his residence, but his wife was present who stated that her husband was not there for the last one month.

5. Counsel for petitioner submits that notice for initiating proceedings under Section 82 Cr.P.C. was pasted at the door of his residence on 26th March, 2024 and matter was listed on 27th March 2024, and it violates due process.

6. Proclamation was finally issued on 13th April 2024 and petitioner was declared a proclaimed person on 15th May 2024.

7. Counsel for petitioner seeks leave to withdraw this petition with liberty to approach the Trial Court for appropriate remedies.

8. Leave and liberty granted.

9. Petition is dismissed as withdrawn with liberty to petitioner to approach the Trial Court. The Trial Court shall consider the pleas of petitioner in accordance with law.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 4, 2024/sm