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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 453/2024

DRUG INSPECTOR

.....Petitioner

Through: Mr. Laksh Khanna, APP
for the State with Ms.
Yamini Kohli, Drug
Inspector.

versus

M/S VOCERENE OVERSEAS PVT. LTD.
& ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.09.2024

CRL.M.A. 27879/2024 (exemption from filing true typed copies of the annexures and fair-typed copies of dim annexures)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed seeking leave to appeal against the judgment dated 02.04.2024, passed by the learned Metropolitan Magistrate (MM)-01, North West, Rohini Courts, Delhi, pursuant to which the respondents were acquitted for offence under Section 18(c) of the Drugs and Cosmetics Act, 1940 punishable under Section 27(b)(ii) of the Act and under Section 18A of the Act punishable under Section 28 of the Act.
4. The complaint was filed by the petitioner pursuant to the raid conducted at the premises of Respondent No. 1. It was

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alleged that the Respondent No. 2, Managing Director of Respondent No. 1, was found to have stored drugs without licence for sale and distribution.

5. The learned counsel for the petitioner submits that the respondents have been acquitted on erroneous ground. He submits that the learned Trial Court held that no record had been produced in regard to prior information of the storage of drugs.

6. He vehemently contends that the prosecuting agency is not obligated to disclose the source of information pursuant to which the raid is conducted.

7. He submits that the Department can produce the relevant files for perusal of the Court, however, the same cannot be a subject matter of trial.

8. He further submits that the leaned Trial Court also erroneously held that no public witness had joined the raiding party. He submits that the public witness, in fact, had appeared before the learned Trial Court for deposition but was not examined on a particular date and thereafter did not appear.

9. He submits that non-examination of a public witness is not fatal in every circumstance. He relies upon the judgment passed by the Hon'ble Apex Court in the case of **Surinder Kumar v. State of Punjab : 2020 (2) SCC 563**.

10. He submits that it is a settled law that the conviction can be based on the evidence of the Police / official witnesses without any corroboration from independent witnesses as long as the same inspires confidence.

11. The matter requires consideration.

12. In view of the above, the leave to appeal is granted and the appeal be numbered as Criminal Appeal/2024 (to be



numbered).

13. The present petition is disposed of in the aforesaid terms.

Criminal Appeal/2024 (to be numbered)

14. Issue notice. Notice be served through all permissible modes.

15. List on 16.12.2024.

AMIT MAHAJAN, J

SEPTEMBER 13, 2024

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