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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 1184/2024, CRL.M.A. 29378/2024,
CRL.M.A. 29379/2024 & CRL.M.A. 29380/2024

RAHUL SHARMAPetitioner
Through: Mr. Kshitiz Goel,
Advocate.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Manoj Pant, APP for
the State.
SI Roopesh Baliyan (P.S.
ISC/Crime Branch).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
13.12.2024

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1. The present petition is filed challenging the order dated 05.03.2024, passed by the learned Special Judge (NDPS)-01, District South West, Dwarka Court, Delhi, pursuant to which the charges were framed against the petitioner for offence under section 29 read with section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**').
2. The learned counsel for the petitioner submits that the ingredients of Section 27A of the NDPS Act, are not satisfied against the petitioner and that the impugned order is passed without application of any judicious mind.
3. He submits that the chargesheet also only mentions that there is sufficient evidence on the record against the petitioner, however, no evidence has been brought before the learned Trial



Court for consideration.

4. He submits that no reasons have been assigned in the impugned order, for framing charges against the petitioner. The order only mentions “*on consideration of submissions, charge has been framed against both the accused persons to which they have pleaded not guilty and claimed trial.*”

5. The impugned order is bereft of any reason whatsoever, and is therefore set aside. The order *ex facie* shows non-application of mind.

6. The learned Trial Court is directed to pass an order afresh after considering the arguments advanced by the parties.

7. Let the date be fixed by the learned Trial Court for the purpose of arguments on charge.

AMIT MAHAJAN, J

DECEMBER 13, 2024

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