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

+ **CRL.M.C. 2973/2025**

STATE NCT OF DELHI

.....Petitioner

Through: Mr. Sanjeev Bhandari, ASC for the
State with ACP Kailash Bisth,
Inspector Rahul Kumar and SI
Shailesh Kumar, Special Cell.

versus

MAYANK JAIN

.....Respondent

Through: None.

+ **CRL.M.C. 2978/2025**

STATE NCT OF DELHI

.....Petitioner

Through: Mr. Sanjeev Bhandari, ASC for the
State with ACP Kailash Bisth,
Inspector Rahul Kumar and SI
Shailesh Kumar, Special Cell.

versus

ANCHIT JAIN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

% **01.05.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 13233/2025 (exemption) in CRL.M.C. 2973/2025

CRL.M.A. 13275/2025 (exemption) in CRL.M.C. 2978/2025

1. Allowed, subject to all just exceptions.

CRL.M.A. 13232/2025 (stay) in CRL.M.C. 2973/2025

CRL.M.A. 13274/2025 (stay) in CRL.M.C. 2978/2025

2. The State has filed these two petitions, assailing similar orders passed



in favour of two accused persons of same FIR. For convenience, the prayer clause is extracted below:

- “A. Allow the present petition;*
- B. Set aside the Orders dated 15.04.2025 [Annexure A-1] and order dated 25.04.2025 [Annexure A-2] passed by Ld. Special Judge NDPS Act, Patiala House Courts, New Delhi granting interim protection from arrest to accused/respondent in FIR No. 455 of 2024 dated 02.10.2024 under section 8/20/21/25/27(A)[THIS SECTION ADDED ON 17.03.2025]/29 NDPS Act, PS Special Cell, Delhi in matter titled as State Vs Anchit Jain alternatively;*
- C. Dismiss the anticipatory application along with affidavit dated 01.04.2025 [Annexure A-3] filed by respondent herein in FIR No. 455 of 2024 dated 02.10.2024 under section 8/20/21/25/27(A)[THIS SECTION ADDED ON 17.03.2025]/29 NDPS Act, PS Special Cell;*
- D. Pass any such order as it may deem fit and proper in the interest of justice.”*

3. Learned ASC has taken me through orders dated 15.04.2025 and 25.04.2025 in support of his contention that this is an extraordinary case in which the High Court must interfere keeping in mind the wide ramifications and gross illegality of the orders. Learned ASC submits that ordinarily, it cannot be expected from a superior court dismissing an application pending before the Trial Court or even interfering in the interim protection, but in the present case, the High Court must exercise inherent powers in order to prevent abuse of process. Further, learned ASC has submitted additional documents including copy of order dated 30.04.2025 of the learned Special Judge, NDPS, which are accepted across the board, to be scanned and made part of the record. Learned ASC submits that the present petitions which were filed to assail protection being granted in such a case has rather been counter-productive for State as vide order dated 30.04.2025, the learned Special Judge, NDPS extended the protection till disposal of these petitions.



Learned ASC has also expressed in strong words that this is a classic case in which the High Court needs to even issue guidelines for the Trial Courts dealing with such serious offences. It is further pointed out by learned ASC that vide order dated 15.04.2025, the accused/respondents were directed to appear before the Investigating Officer with their mobile phones used in past one year and from the same, no data shall be deleted by them, but thereafter, on 30.04.2025 the accused/respondents informed the Special Judge that their mobile phones had got destroyed/lost. That, according to learned ASC was a serious issue of destruction of evidence, which should have called for an immediate revocation of the interim protection but the learned Special Judge, rather extended the protection till disposal of the present petitions. Learned ASC has also elaborated on the wide international ramifications of the offence alleged, which would involve an approximate amount of rupees ten thousand crores, according to the team of Investigating Officers, present in Court.

4. Keeping in mind that the issue is pending before the Special Judge, NDPS Act, I would refrain from commenting on the orders discussed above, including the last order linking the extension of protection with pendency of the present petitions.

5. After further detailed discussion on the legal position and limited scope of interference through the present proceedings, learned ASC seeks permission to withdraw these petitions without prejudice to the contentions of the State in such a matter and further submits that the State would take appropriate action in accordance with law depending upon outcome of the proceedings pending before the Special Judge. Learned ASC further requests that the Special Judge, NDPS Act be directed to dispose of the said



pending Anticipatory Bail Applications on the date fixed itself i.e., 09.05.2025 so that under extended protection, the accused/respondents do not further damage the investigation by destroying evidences.

6. Under these circumstances, both these petitions are dismissed as withdrawn. The learned Special Judge is expected to dispose of the pending Anticipatory Bail Applications of the present accused/respondents on 09.05.2025 which is the date already fixed or at the most within one week thereafter.

GIRISH KATHPALIA, J

MAY 1, 2025/DR

Click here to check corrigendum, if any