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

+ CRL.L.P. 651/2015

STATE

.....Petitioner

Through: Mr. Ajay Vikram Singh, APP for
State.

versus

ANIL @ BHOLA & ORS

.....Respondents

Through: Mr. Kamal J. S. Mann, Advocate for
R-1.
Mr. S. S. Das, Advocate.
SI Anil.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.09.2025

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1. The present petition under Section 419 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 378 (1) of the Code of Criminal Procedure, 1973¹) seeks leave to appeal against judgment dated 30th May, 2015 acquitting Respondents in Sessions Case No. 24/2011 arising from FIR no. 08/2011, P.S. Special Cell under Sections 21(c)/25A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.²

Factual Background

2. The case of the prosecution is as follows:

2.1. On 14th February, 2011 at approximately 11:30 AM, a secret informer approached SI Virender Tyagi at Special Cell, NR, Rohini, disclosing that

¹ "Cr.P.C."



accused, Hari Prasad would arrive between 1:15-2:15 PM at Montfort School, Ashok Vihar in a golden Maruti car to deliver drugs to Anil @ Bhola. ACP Subhash Tandon directed a raid. A raiding team comprising SI Virender Tyagi, SI Prahlad Singh, ASI Rakesh, HC Raj Singh, HC Ram Niwas, ASI Bhagat Bahadur and the informer departed at 12:30 PM.

2.2 At the designated location, Hari Prasad and Anil @ Bhola were apprehended during the drug handover. The IO introduced the team and informed both accused of their legal rights. Four passers-by were requested to join the proceedings, but they refused. Thereafter, notices under Section 50 NDPS Act were issued. The accused declined their right to be searched before a Magistrate/Gazetted Officer and recorded their refusal in writing.

2.3 SI Virender Tyagi searched both accused. From Anil @ Bhola a white polythene containing 500 grams of grayish substance was recovered which tested positive for heroin. From Hari Prasad's car another white packet from under driver's seat containing 500 grams of similar substance was recovered which too tested positive for heroin. Nothing incriminating was found on Hari Prasad's person.

2.4 Both recoveries were sampled (5gms each x2) and sealed in cloth *pullandas*. Seizure memos were also prepared. *Rukka* was prepared and handed to HC Ram Niwas who went to P.S. Special Cell, produced the case property before the SHO and handed over the *rukka* to Duty Officer for registration of FIR. Investigation was transferred to SI Satender Vasisth who reached the spot, prepared the sit-plan and arrested both the accused after interrogation.

2.5. On 15th February, 2011, pursuant to disclosure statements of Hari

² "NDPS Act"



Prasad and Anil, SI Satender Vasisth searched Anil's residence at B-155, Raghuvir Nagar and recovered, 250 grams heroin, and 10.180 kg acetic anhydride.

2.6 On the same day, at Hari Prasad's residence (H.No. 286/8, OMEX City, Sonapat), raiding party apprehended Om Prakash and recovered 500 grams of heroin. Additional recovery was also made from the residence of 350g of barbitone, 400g of 'power' and 5 cans, each weighing 10.2 Kg, of acetic anhydride. Subsequently, Om Prakash was also arrested.

2.7 On 23rd February, 2011, based on Hari Prasad's supplementary disclosure, raiding party apprehended Nand Kishore Tiwari at A-39, Ganesh Puri, Shalimar Garden Extension, Sahibabad with 300 grams of heroin. The search of the House yielded 9kg of red stone, 24kg of paracetamol, 1.6kg of 'power', 5kg of phenobarbital, 2kg of mixed substances, 9kg of diazepam and processing equipment. Nand Kishore was also arrested.

2.8 Sample *pullandas* were sent to FSL Rohini through ASI Shamsheer Singh. Charge-sheet was filed against the accused. FSL reports were subsequently filed before Court.

2.9. In order to prove their case, the prosecution examined 18 witnesses:

PW 1 SI Balkar Singh, Duty Officer

PW 2 ASI Bijender Singh

PW 3 ASI Ram Niwas, member of the raiding team

PW 4 SI Virender Tyagi, member of the raiding team

PW 5 SI Gyan Chand, SO to ACP, Special Cell, NR

PW 6 ASI M. Baxla, Malkhana Incharge

PW 7 ASI Shamsheer Singh,

PW 8 ASI Raj Singh, member of the raiding team



PW 9 HC Dilawar, police official involved in the raid of Anil's house

PW 10 Inspector Satender Vasisth, the Second IO

PW 11 Bhushan Azad, police official involved in the raid of Anil's house

PW 12 Sarvesh Kumar

PW 13 Inspector Rajender Sherawat

PW 14 Ms. Meena Devi

PW 15 Murlidhar Tayal

PW 16 Ajay Malhotra

PW 17 Dr. Lingraj Sahoo

PW 18 Inspector Attar Singh

2.10. The accused in their statements under Sections 313 Cr.P.C. stated that they had been falsely implicated and that no contraband had been recovered from their possession or at their instance at any point of time.

2.11. Accused Hari Prasad Verma specifically pleaded that he was arrested on 13th February, 2011 while traveling from Sonapat to Delhi with one Ms. Dimple to assist his son whose vehicle had broken down. He stated that at approximately 9:00 PM at Singhu Border, he was forcibly apprehended by police officials who compelled him to contact co-accused Anil @ Bhola and ask him to bring Rs. 50,000/- to Keshavpur depot. He alleged that police officials demanded Rs. 10 lakh as bribe and that he was coerced into signing blank papers during his illegal custody from 13th-23rd February, 2011.

2.12 Accused Om Prakash stated that he is a farmer from Rajasthan who had come to Delhi for medical treatment and was illegally detained at Nizamuddin Railway Station on 13th February, 2011 at 7:00 AM. He alleged that he was threatened with false implication of his minor son and was forced to sign blank documents.



2.13. Accused Anil @ Bhola has corroborated the version of co-accused Hari Prasad, stating that he had a monetary transaction with him and reached Keshavpur depot on 13th February at 10:30 PM pursuant to telephonic calls. He has alleged physical assault and coercion to sign fabricated documents when he could not arrange the demanded amount of Rs. 2 lakh.

2.14. Accused Nand Kishore Tiwari denied the prosecution version and stated that he was picked up from his residence at Ganesh Puri, Sahibabad and was subsequently compelled to affix his signatures on blank papers at the Special Cell office.

2.15. In support of their defence, the accused persons produced 13 defence witnesses:

DW 1 Ms. Roshni (Wife of accused Anil @ Bhola)

DW 2 Chandrashekhar, Nodal Officer, Bharti Airtel Ltd.

DW 3 Sunil Kumar, Nodal Officer, MTNL

DW 4 Durga Lal

DW 5 Naresh Chander, MRO, Baba Saheb Ambedkar Hospital

DW 6 Dr. A. K. Koan, Additional DCP

DW 7 Umesh Kumar

DW 8 Ms. Dimple

DW 9 Shishir Malhotra, Nodal Officer, Aircel Ltd. Delhi

DW 10 Israr Babu, Nodal Officer, Vodafone Mobile Service Ltd.

DW 11 Amarnath Singh, Nodal Officer Idea Cellular Ltd.

DW 12 Rajeev Ranjan, Nodal Officer Tata Tele Services

DW 13 Vikas Verma

2.16. On the basis of the evidence recorded, specifically on the basis of the electronic evidence adduced by Respondents, the Trial Court found material



discrepancies in the case of the prosecution and the accused persons were acquitted. Findings of the Trial Court to the effect are as follows:

“58. In the light of the above referred deficiencies, inconsistencies and discrepancies, in the opinion of this court, it can be said that the prosecution has not been able to establish its case beyond reasonable doubt. The call detail records and the cell ID chart of the mobile phones of the raiding party members of the police of different dates creates doubt about their appearance at the spot and the evidence is lacking to establish that the contraband was recovered from the possession of the accused persons in the manner alleged by the prosecution on the said dates, time and places. The accused deserve benefit of doubt.

59. In view of the above and in totality of the facts and circumstances, it is held that the prosecution has not been able to prove its case beyond reasonable doubt and hence the accused persons are acquitted of the charges framed against them. Their bail bonds are cancelled and sureties are discharged.

...”

GROUND OF APPEAL

3. The present leave to appeal presses the following grounds:

3.1. The Trial Court has acquitted the accused despite consistent testimonies of prosecution witnesses. The members of the raiding team, including PW-4 SI Virender Tyagi, PW-3 ASI Ram Niwas, PW-8 HC Raj Singh, and PW-10 Inspector Satender Vasisth, have all deposed in unison about the apprehension of accused persons pursuant to secret information and the recovery of heroin and other incriminating material. Their evidence is consistent, natural and reliable.

3.2. The suggestion that the police planted such substantial quantities of contraband, as well as weighing machines, grinders, and packing material, appears improbable, and fabrication of the case is therefore unlikely.

3.3. Minor inconsistencies in testimony cannot demolish the prosecution case.

3.4. The substances recovered (such as acetic anhydride) are not readily



available in the open market, making it improbable that the police could have procured them for false implication.

3.5. The Trial Court ignored the testimony of PW-12 Sarvesh Kumar, who identified accused Nand Kishore as the tenant and proved the voter ID card given by him at the time of taking the premises on rent, thereby connecting him to the place of recovery.

3.6. The Trial Court failed to apply Section 54 of the NDPS Act, which permits presumption of culpable possession once recovery is established.

3.7. The cumulative effect of recoveries, large quantity of heroin, chemicals and incriminating articles from multiple accused, demonstrates an organized activity, which has been disregarded by the Trial Court.

3.8. The Trial Court has wrongly interpreted Section 42 NDPS Act, by insisting upon recording of information even in cases where the information was of general nature, surveillance or clue, which is not mandated by law.

3.9. Reliance on Call Detail Records (CDRs) of the police officials and the accused persons was erroneous, in the absence of a certificate under Section 65B of the Evidence Act, 1872.

3.10. There was no motive for the police to falsely implicate the accused, and the acquittal has resulted in serious miscarriage of justice.

Analysis

4. The Court has considered the submissions advanced by the Appellant State and perused the impugned judgment. The limited issue that arises for determination is whether the present case warrants the grant of leave to appeal against an order of acquittal under Section 378(3) of Cr.P.C. The legal principles governing such a determination are now firmly entrenched in our jurisprudence. The High Court, while considering a leave to appeal,



must be satisfied that the findings of the Trial Court suffer from a manifest error, are perverse in nature, or reflect a glaring misappreciation of law or evidence. The mere possibility of an alternative view cannot be the basis for interference with an acquittal. Rather, the Court must be persuaded that the Trial Court has either ignored material evidence, adopted a patently unreasonable view, or drawn conclusions which no court could have arrived at. These principles have been clearly articulated by the Supreme Court in several cases and have been summarized in ***Prem Kanwar v. State of Rajasthan***,³ wherein the Court observed as follows:

“16. The principles which would govern and regulate the hearing of appeal by the High Court against an order of acquittal passed by the Trial Court have been set out in innumerable cases of this Court and in Ajit Savant Majagavi v. State of Karnataka (AIR 1997 SC 3255) the following principles have been re-iterated:

- 1. In an appeal against an order of acquittal, the High Court possesses all the powers and nothing less than the powers it possesses while hearing an appeal against an order of conviction.*
- 2. The High Court has the power to reconsider the whole issue, reappraise the evidence and come to its own conclusion and findings in place of the findings recorded by Trial Court, if the said findings are against the weight of the evidence on record, or in other words, perverse.*
- 3. Before reversing the finding of acquittal, the High Court has to consider each ground on which the order of acquittal was based and to record its own reasons for not accepting those grounds not subscribing to the view expressed by the Trial Court that the accused is entitled to acquittal.*
- 4. In reversing the finding of acquittal, the High Court has to keep in view the fact that the presumption of innocence is still available in favour of the accused and the same stands fortified and strengthened by the order of acquittal passed in his favour by the Trial Court.*
- 5. If the High Court on a fresh scrutiny and re-appraisal of the evidence and other material on record, is of the opinion that there is another view which can be reasonably taken, then the view which favours the accused should be adopted.*

³ (2009) 3 SCC 726.



6. *The High Court has also to keep in mind that the Trial Court had the advantage of looking at the demeanor of witnesses and observing their conduct in the Court especially in the witness box.*

7. *The High Court has also to keep in mind that even at that stage, the accused was entitled to benefit of doubt. The doubt should be such as a reasonable person would honestly and conscientiously entertain as to the guilt of the accused.*

In this respect, the decisions of this Court in Balbir Singh Vs. State of Punjab (AIR 1957 SC 216) Ram Kumar Vs. State of Haryana (AIR 1995 SC 280), Bharwad Jakshibhai Nagjibhai Vs. State of Gujarat (AIR 1995 SC 2505), Hari Chand Vs. State of Delhi (AIR 1996 SC 1477), Raghbir Singh Vs. State of Haryana (JT 2000 (5) SC 21), and Hari Ram Vs. State of Rajasthan (JT 2000 (6) SC 254) may be seen.

17. *In Ashok Kumar Vs. State of Rajasthan (AIR 1990 SC 2134) this Court has held as under: "While caution is the watchword, in appeal against acquittal as the trial Judge has occasion to watch demeanour of witnesses interference should not be made merely because a different conclusion could have been arrived at. Prudence demands restraint on mere probability or possibility but in perversity or misreading interference is imperative otherwise existence of power shall be rendered meaningless. In the present case the order of the Trial Court is vitiated as part from deciding the case on irrelevant consideration the most serious error of which he was guilty and which rendered the order infirm which could be set aside by the High Court was that he misread the evidence and indulged in conjectural inferences and surmises."*

5. At the same time, we must also note in ***Ashok Kumar v. State of Rajasthan***,⁴ the Supreme Court emphasised that prudence must guide appellate interference. It is not the possibility of another conclusion, but the unreasonableness or illegality of the conclusion reached by the Trial Court that justifies appellate scrutiny. Where the Trial Court has proceeded on conjecture, surmise, or patent misreading of material evidence, the High Court is not merely empowered, but is in duty-bound, to correct the miscarriage of justice.

⁴ (1991) 1 SCC 166.



6. Bearing in mind the principles noted above, we now proceed to examine whether the impugned judgment discloses any manifest error, perversity, or misappreciation of evidence warranting interference.

7. The primary controversy in this case pertained to the actual date of arrest of the accused persons, whether they were apprehended on 14th February, 2011 as claimed by the prosecution, or on 13th February, 2011 as contended by the defence. The Trial Court held that the prosecution has failed to prove its case beyond reasonable doubt, primarily due to material discrepancies established through CDRs and cell tower location data which demolished the prosecution's version that the accused were apprehended on 14th February, 2011, conclusively establishing instead that the arrests occurred on 13th February, 2011 as claimed by the defence.

8. The electronic evidence established the presence of accused Hari Prasad and police officials HC Bijender and HC Hawa Singh at village Singhu/Nanglipoona on 13th February, 2011 at 09-10:00 PM, corroborating the defence that Hari Prasad was arrested on 13th February, 2011, at Singhu Border, Karnal Bypass and not on 14th February, 2011 from Ashok Vihar. If Hari Prasad was not apprehended on 13th February, 2011 as claimed, he could not have known about the presence of these officials at these specific locations.

9. The CDR analysis of raiding party members rendered operation conducted allegedly on 14th February, 2011, highly doubtful. HC Ram Niwas was already present at Ashok Vihar from 11:05 AM, negating his claimed presence at Special Cell during receipt of information and formation of the raid team. HC Raj Singh remained at Rithala throughout the day, contradicting his alleged presence at Ashok Vihar, the spot of arrests. SI



Satender Vashisht's location at Sector 3 Rohini belied his claim of direct travel from Ashok Vihar to Lodhi Colony after conducting the arrest for depositing the *jamatalashi* and vehicle of the accused.

10. Most crucially, accused Hari Prasad's mobile showed locations at VPO Rasoi Sonapat, Delhi Circle, and Sector 15 Sonapat throughout 14th February, 2011, completely contradicting the Prosecution's claim of arrest at Montfort School. This corroborated the defence version of his arrest on 13th February, 2011, and subsequent movement to create false location evidence. The prosecution furnished no explanation for these incontrovertible electronic contradictions. The CDR records analysed by the Trial Court can be seen from the following extracted discussion:

"42. It is relevant here to state that before the call detail records of the accused Hari Prasad and the police officials came on record, the defence of accused Hari Prasad that he has been falsely apprehended by the police on 13.02.2011 from village Singhu had already come on record and in this background, the call detail records of accused Hari Prasad and HC Bijender and HC Hawa Singh become relevant and when the same is read alongwith the Cell ID Chart of the said phones, the presence of all of them , at village Singhu and in the adjoining area of Village Nanglipoona on 13.02.2011 at about 09-10.00 PM raises a suspicion and gives credence to the defence propounded by accused Hari Prasad that he was apprehended by police in the evening of 13.02.2011 and not on 14.02.2011 as portrayed by the investigating agency.

43. From the call detail records of the police officials, as stated above, it is proved that HC Bijender and HC Hawa Singh were in the area of village Singhu border and in the adjoining area on 13.02.2011 in the evening hours and thereafter they were at Meerabagh at about 10-11.00 PM where many other police officials, whose call detail records have also been discussed above were already present. If accused Hari Prasad was not apprehended on 13.02.2011 in the manner as claimed by him, the question arises how on earth he came to know about the presence of police officials on 13.02.2011 at village Singhu/Nanglipoona and later at Meerabagh. In view of this and also in view of the discussion made in the later part of this judgment, it is apparent that the accused persons were not arrested in the manner and on the date on which the investigating agency wants this court to



believe.

44. The defence taken by this accused get further strengthened when we analyse the call detail records/cell ID chart of the mobile phones of the raiding party members who had gone to the spot allegedly on 14.02.2011. As per the case of the prosecution, on 14.02.2011 after receiving the secret information at 11.30 AM, the members of the raiding party consisting of the police officials left the office of Special Cell at 12.30 PM and reached the spot i.e. Montfort School, Ashok Vihar, Delhi at about 01.00 PM where accused Anil came at about 01.30 PM and accused Hari came at about 01.40 PM and the entire proceedings at the spot continued till 07.30 PM and during this period no member of the raiding party left the spot except ASI Ram Niwas (PW3) who took the rukka to the office of Special Cell for getting the FIR registered and for depositing the contraband/parcels there. Now when we analyse the call detail records/ cell ID chart of some of the raiding party members, its entire proceedings on 14.02.2011 on the spot becomes highly doubtful:

(i) The call detail records/cell ID Chart of the mobile phone of HC Ram Niwas having no. 7503370564 (Aircel) shows that on 14.2.2011 he was present in the area of Ashok Vihar from 11.05 AM onwards and hence his presence at the office of Special Cell at Sector 6, Rohini at the time of receiving secret information, at the time of recording DD No. 10, at the time of preparation of raiding party in the office of Special Cell become highly doubtful.

(ii) The call detail records/cell ID Chart of the mobile phones of HC Raj Singh having no. 7503370660 (Aircel) does not show his presence in or around Ashok Vihar on 14.02.2011. The said record shows that on 14.02.2011 he was at Rithala, Sector 6 Rohini, Krishna Park Extension and Rajender Park throughout the day from 11.42 AM to 08.43 PM and hence his presence at the spot at Ashok Vihar is also highly doubtful,

(iii) As per the case of the investigating agency, after the conclusion of the proceedings at the spot, the raiding party left the spot at about 07.30 PM and had reached PS Lodhi Colony at 08.15 PM where they deposited the jamatalashi and the vehicle of the accused in malkhana. In the cross examination, SI Satender Vashisht admitted that on that day he alongwith the raiding party members had directly gone to Lodhi Colony from the spot but this is belied by his mobile phone record. His call detail records/cell ID Chart of mobile phone no. 7503370800 (Aircel) show his location at Sector 3, Rohini and Rithala between 07.41 to 08.02 PM. He has admitted in his cross-examination that sector 3, Rohini and Rithala do not come on the way between Ashok Vihar to Lodhi Colony and hence it is highly doubtful that the proceedings were conducted on the spot on 14.02.2011 as claimed by the prosecution.



At this stage, it is relevant here to discuss the call detail records/cell ID Chart of accused Hari Prasad with respect to the events on 14.02.2011. As per the case of the prosecution itself, four mobile phones of accused Hari were seized by the police on 14.02.2011 including mobile phone no. 9671519788. The call detail records/cell ID Chart of this phone has also come on record which shows its location at VPO Rasoi, Sonapat from 12.19 PM to 12.48 PM and then at Delhi Circle from 02.36 PM to 03.54 PM and then again at Sector 15, Sonapat till 05.50 PM and then again at Delhi from 07.02 PM till 07.17 PM. If this accused was arrested at the spot at Montfort School then the call detail records/cell ID Chart of his phone should have shown his location to be at Ashok Vihar but as discussed above, it is controverted by the cell record which has been produced in the court. The said record rather strengthens the defence of the accused who had stated that he was arrested by the police on 13.02.2011 itself and on 14.02.2011, he was taken to Sonapat where they had lunch at Rasoi Dhaba and he was made to speak with his son as the police officials were demanding money and subsequently he was brought to Delhi after the police officials received the intimation from Inspector Attar Singh to bring the accused back to Delhi at Ashok Vihar so that the location of Delhi is created and again he was taken to Sonapat in the evening and then brought back to Delhi late evening. No explanation has been furnished by the prosecution in regard to these above discussed material points.

11. Additionally, the Trial Court further found complete non-compliance with mandatory provisions of Section 42 NDPS Act, which vitiated the prosecution case. Prosecution witnesses admitted during cross-examination that the investigating agency had been intercepting phone calls and conducting surveillance of accused persons much prior to 14th February, 2011, with briefings conducted on 13th February, 2011, regarding operations planned for the following day. However, this prior information was never reduced to writing as mandated under Section 42(1) nor communicated to superior officers under Section 42(2) NDPS Act. Relying on the Constitution Bench judgment in **Karnail Singh v. State of Haryana**,⁵ the

⁵ (2009) 8 SCC 539



Court held that total non-compliance of Section 42 requirements is impermissible, as compliance is mandatory for valid prosecution. The plea that the information was too “vague” to record is untenable. The prosecution first claimed that the agency became aware of the matter only on 14th February 2011, but later argued that earlier information was not recorded as it was vague. This inconsistency, coupled with the failure to record the information, constituted a serious procedural lapse and an independent ground for acquittal.

12. As regards accused Nand Kishore Tiwari, the Trial Court found the alleged recovery on 23rd February, 2011 to be doubtful and unsupported by evidence. While the prosecution claimed that pursuant to disclosure statement of accused Hari Prasad Verma, a raiding party visited A-39, Ganesh Puri, Shalimar Garden Extension II, Ghaziabad and recovered 500 grams heroin and other controlled substances from accused Nand Kishore, the electronic evidence completely contradicted this version. The CDRs of all the alleged raiding party members established that none of them ever visited Ghaziabad on the relevant date, remaining in Delhi throughout the day. This electronic evidence rendered the entire recovery story fabricated and provided yet another ground for acquittal of accused Nand Kishore Tiwari.

13. The Trial Court found recoveries on 15th February, 2011, from accused Om Prakash and others highly doubtful due to material contradictions in prosecution testimonies. Specifically, regarding Om Prakash, witnesses gave contradictory versions whether he opened the door holding contraband or collected it from bedroom before rushing to bathroom. The testimonies of HC Dilawar Singh and Inspector Vasisth, also



vary on the materials recovered. Additionally, the physical timeline was impossible, the 40 km distance to Omex City Sonapat with 3.5 hours stay made it impossible for police to leave Delhi at 11:00 AM and reach Patiala House Courts by 3:30 PM for obtaining remand of the accused. These fatal contradictions render the entire recovery fabricated

14. Other than the aforementioned glaring inconsistencies, the Trial Court also took note of material contradictions in witness statements regarding the description of house no. A-39, Ganesh Puri, Sahibabad, inaccuracies in site plans, and the lack of sincere efforts to involve independent witnesses during recoveries, all of which further undermine the prosecution case.

15. As regards the argument based on Section 54 NDPS Act, it must be emphasised that the statutory presumption would be attracted only after conscious possession is established. When the entire recovery story is found fabricated through electronic evidence, no presumption can operate.

16. The contention that fabrication is implausible merely because of the substantial quantities of contraband and equipment is without merit. Once the electronic evidence conclusively discredits the prosecution's version, considerations of improbability lose all significance.

CONCLUSION

17. In view of the foregoing analysis, this Court is unable to discern any perversity, patent illegality, or manifest misappreciation of evidence in the impugned judgment. The Trial Court's findings rest on cogent evaluation of the electronic evidence, which discredited the prosecution's version regarding the date and manner of arrest, on the established non-compliance with Section 42 NDPS Act, and on material contradictions surrounding the alleged recoveries from the accused persons. These conclusions are



supported by the record and represent a plausible view of the evidence, fortified by the presumption of innocence that attends an acquittal. No exceptional circumstance has been shown to justify appellate interference under Section 378(3) Cr.P.C.

18. In view of the above, the present leave to appeal is dismissed.

SANJEEV NARULA, J

SEPTEMBER 2, 2025

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