

IA 2/25 SC 304/22
NCB Vs REENA SAXENA
29.08.2025

Present: Sh. Mukeysh Malik, Ld. SPP for NCB.
Sh. Anirudh Singh Rajawat, Ld. Counsel for
applicant/accused.
IO of the case SI S. K. Pandey.

Perusal of record reflects that one of the main grounds taken in the present application is the delay in conducting the proceedings u/s 52A of NDPS Act and to substantiate the averments, the Ld. Counsel for the applicant/accused relied upon the decision of the Hon'ble High Court of Delhi in Kashif Vs. NCB, Bail Application no. 253/2023.

The Ld. Counsel has re-produced the paragraphs of the aforementioned judgment passed by the Hon'ble High Court of Delhi, without even appreciating the fact that the said judgment was overruled and set-aside the by Hon'ble Supreme Court of India in “**NCB Vs. Kashif**” Neutral Citation:2024:INSC:1045.

Although, the attempt on the part of the applicant/accused in relying upon the over ruled judgment is *prima facie* an attempt to mislead this court, since, the Ld. Counsel for the applicant/accused has submitted that he may be allowed to withdraw the present application and to file a fresh application, in which the said ground is not taken. In the interest of justice, this court is taken a lenient view and no coercive order are passed against the applicant/accused and the Ld. Counsel for the applicant/accused.

Separate statement of Ld. Counsel for the applicant/accused is recorded in this regard.

In view of the statement, the present application is dismissed and disposed off as withdrawn.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
29.08.2025