

SC305/2023

**CENTRAL BUREAU OF NARCOTICS Vs. HENRY
TOUCHUKWU NGOJEZI**

28.10.2025

This Court is also looking after the bail roster work of the Court of Ld. ASJ-05, PHC, New Delhi District as the bail roster Link Judge.

Present: Mr. Satish Aggarwala and Ms Pooja Bhaskar, Ld
SPPs for CBN through VC.

Sh. Anirudha Singh Rajawat, Ld. Counsel for
accused Konate.

Sh. Javed Khan, Ld. Counsel for accused Henry.

Accused persons produced from JC.

It is submitted by Ld. SPP for CBN that inspite of issuance of summons, there is no service report which has been received back and no witness is present today.

Perusal of record reflects that the charges against the accused persons were framed by the Ld. Predecessor of this Court on 28.02.2024, and since then the matter has been listed for PE.

On 15.05.2024 and 12.09.2024, no witness had appeared to depose before this Court. Thereafter, on 04.12.2024, PW-1 Devendra Singh was partly examined-in-chief and his examination could not be conducted since, the CBN has not produced the remanent samples. On 05.12.2024, no PW was

present and the Ld. Predecessor of this Court had apprised the CBN to ensure the presence of witnesses on each and every date, since the accused persons were still in JC.

Thereafter, on 15.05.2025, the CBN could not lead the evidence since both the Ld. SPPs were not available. Thereafter, on 22.07.2025, the CRCL Expert, PW-1 Devender Singh was finally further examined, cross-examined and discharged. Fresh summons were sent to PW Praveen Dhull and PW Tilak Singh and the process has not been received back.

This Court has to record the sorry state of affairs of all the cases being prosecuted by CBN before this Court, wherein inspite of issuance of summons, on majority of dates, the process does not return back to this Court. On the other dates, the witnesses do not appear. On the remaining dates, the evidence is not led for one reason or the other. The accused persons have remained in JC since, February 2023 and the delay in trial is fully attributable to CBN.

Let fresh summons be issued to all the prosecution witnesses which are remaining to be examined, to be executed through Worthy Commissioner CBN, Gwalior. Let the copy of this order-sheet be sent along-with the summons. It is made abundantly clear that if the CBN fails to produce the prosecution witnesses, then this Court would be constrained to take coercive steps and the prosecution evidence would be closed.

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Re-list for PE on **17.12.2025** and **18.12.2025**.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
28.10.2025