

**IA 25/25 SC 448/24**  
**NCB VS NADEEM AND ORS.**

14.10.2025

Present: Sh. Harssh, Ld. Proxy counsel for Sh. Arun Khatri,  
Ld. SPP for NCB.  
Sh. Naveen Malhotra, Ld. Counsel for  
applicant/accused.

1. Vide the present application, the applicant/accused Gaurav Matolia is seeking revaluation/re-ascertainment of the total weight of the contraband recovered from the Trackon Courier, which was addressed to the applicant/accused and was seized on 01.07.2024.

2. It is further submitted by Ld. Counsel for applicant/accused that the total quantity of the alleged contraband was 2.42 grams, which was recovered from from 3 parcels having individual weight of .82 grams, .80 grams and .80 grams.

3. Perusal of the record reflects that the proceedings u/s 52A of the NDPS Act were conducted before the Ld. JMFC-04 (NI Act), PHC, New Delhi District on 18.07.2024. Thereafter, the samples drawn were sent to CRCL for forensic examination and the CRCL Report dated 29.08.2024 and 12.09.2024 were duly received by NCB and filed alongwith the complaint.

4. This Court has already passed the detailed order qua framing of the charges against the accused persons including the present applicant/accused vide detailed order dated 18.08.2025.

5. The law surrounding the issue of re-sampling/re-weighting of the contraband is no longer *res integra*. The Hon'ble Supreme Court of India in "**Thana Singh Vs. CBN**", (2013) 2 SCC 590 has categorically held that any request to the said regard shall not be entertained under the NDPS Act as a matter of course. The said application may be permitted in extremely exceptional circumstances, for cogent reasons to be recorded by the Court. The said application in such rare cases must be made within a period of 15 days of the receipt of the test report and no application shall be entertained thereafter. Furthermore, in the absence of any compelling circumstances, any form of re-testing or re-sampling is strictly prohibited under the NDPS Act.

6. Therefore, there is no merit in the present application and same is hereby dismissed accordingly. Copy of this order be given *dasti* as prayed for.

**(Atul Ahlawat)**  
**ASJ/Spl. Judge, NDPS/N. Delhi**  
**14.10.2025**