

SC 7A/12/2012
7396/2016
DRI Vs. PARAMJIT SINGH GULATI ANR.

30.05.2018

Present: Ms. Geetanjali Ld. Proxy counsel for Mala Sharma, Ld. SPP for the DRI.

Accused Paramjit Singh Gulati produced from JC with Sh. Hitesh Chauhan Ld. Proxy counsel for Sh. P. K. dubey

Accused Atul Aggarwal produced from JC with Sh. Ajay Kumar Ld. Proxy counsel for Sh. K. Singhal Ld. Counsel for accused.

PW-Sh. Rajesh Ohlan is present. It is already 02:50pm. Ld SPP for DRI stated to be held up due to traffic jam. Sh. Rajesh Ohlan is discharged for today.

Vide separate order, application of the accused Paramjit Singh Gulati for defreezing the bank account no. 066010100393768 maintained at Axis Bank, Rajouri Garden, New Delhi is allowed. **Copy of the order be given dasti to Ld. Counsel for accused Paramjit Singh.**

Reply filed by the accused Paramjit Singh to the applications of DRI u/s 311 Cr. PC and for filing of additional documents. Copy supplied.

Ld. Counsel for accused Atul Kumar Aggarwal submits that he will file the reply tomorrow. **Bail application of accused Paramjit Singh Gulati is also adjourned for 31.05.2018.**

Matter be listed **on 31.05.2018 for prosecution evidence as well as for pending applications.**

(Rajesh Kumar Singh)
Special Judge (NDPS Act)
South District, Saket/30.05.2018_{AR}

SC 7A/12/2012
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DRI Vs. PARAMJIT SINGH GULATI ANR.

30.05.2018

Order on the application for defreezing saving bank account

066010100393768 maintained at Axis Bank, Rajouri Garden, New Delhi

1. By this order, I shall dispose of the application of the accused Paramjit Singh Gulati for defreezing saving bank account no. 066010100393768 maintained at Axis Bank, Rajouri Garden, New Delhi.
2. It is stated that the aforesaid account was maintained by late Smt. Sarvjeet Kaur Gulati – mother of the accused, who expired on 04.06.2015. The accused is a joint holder of the account. During investigation of the case, the account was freezed by DRI. It is stated by the applicant/accused that the amount lying in the said account is required to meet the requirements of the family as the accused is not able to earn as he is in custody since 2012.
3. Ld counsel for the accused/applicant has relied upon order dated 11.10.2017 passed by Hon'ble Division Bench, of Delhi High Court in WP (C) 3793/17 and 3848/17. He has also relied upon the judgment dated 07.12.2010 passed by Hon'ble Single bench of Hon'ble Delhi High Court in WP (Crl.) 835/2010 titled Vikas Kumar vs DRI.
4. The application is opposed by Ld. SPP for DRI. I have considered the submissions and I have perused the record.
5. Chapter V A of the NDPS Act 1985 (hereinafter referred to as the Act) deals with forfeiture of illegally acquired property. The seizure made u/s 68 E of the Act has to be reported to the competent authority within 48 hours and the order of seizure ceases to have effect unless it is confirmed by the order of the competent authority within 30 days of its being made. In the present case, no order has been passed by the competent authority within 30 days

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of the seizure. DRI appears to have not even reported the seizure to the competent authority as required u/s 68 F of the Act. Therefore, the bank account has to be defreezed.

6. The application is allowed. The account no. 066010100393768 maintained at Axis Bank, Rajouri Garden, New Delhi be defreezed.

(Rajesh Kumar Singh)
Special Judge (NDPS Act)
South District, Saket/30.05.2018_{AR}