

**FIR No.75/17
P.S. Crime Branch
U/S 21/29 NDPS Act
State Vs Brajesh Garg & Ors.**

25.05.2018 (11:48 AM)

Present : Mr. K.D. Pachauri, Ld. Addl. PP for State.

Accused no.1 Brajesh Kumar Garg, though on bail in this case, absent by this time despite several calls given since morning.

Accused no.2 Ejime David produced from J/C.

Ms. Shilpa Dua, Ld. proxy counsel for main Ld. Counsel Mr. Anoop Kumar Gupta for accused no.2.

Third accused Sandeep absconding.

Statement of CW-1 ASI Arun Kumar already recorded as regards 83 Cr.P.C. proceedings executed by him against this accused. Statement of CW-2 HC Devender, at present posted at Narcotic Cell, Crime Branch, Kotwali, Darya Ganj, Delhi, recorded today separately qua 82 Cr.P.C. proceedings executed by him against accused Sandeep. In view of such statements, coupled with entire facts and circumstances of this case, it appears to the court that accused Sandeep intentionally avoiding appearance. There are no chances of his arrest in near future. There does not appear any movable/ immovable property in his name. For these reasons, he is declared as proclaimed offender(in short PO).

Two PWs Mr. Happy Sharma and IO/SI Vinod are present today but discharged unexamined today in absence of accused no.1 Brajesh Kumar Garg. Fresh summons would be issued to them as and when this case again comes at the stage of PE. Absence of accused Brajesh Kumar Garg appears to be intentional and malafide today. For these reasons, issue NBWs against him and notice to his surety u/s 446 Cr.P.C. through ACP, Narcotic Cell, Crime Branch, Kotwali, Delhi for 10.08.2018. To come up for further proceedings also as per law on 10.08.2018. It is also made clear that this file would also be taken for limited purpose on 29.05.2018 at 02:00 PM qua filing of report by the quarter concerned pertaining to applying for passport / visa on behalf of accused Ejime David and no need of any accused to be present on 29.05.2018 at 02:00 PM.

**(DR. SHAHABUDDIN)
ASJ/Special Judge(NDPS)
West District/THC/25.05.2018**