

SC 354/2022

CBN Vs. MUKESH KUMAR GUPTA AND ANR.

26.12.2025

Present: Ms. Pooja Bhasker, Ld. SPP for CBN.
Sh. S. S. Das, Ms. Ria Das and Ms. Sia Das, Ld.
counsels for accused persons alongwith accused
Mukesh Gupta.
Accused Ram Dhan Goyal produced from JC.

PW2 Sh. Praveen Dhull (Seizing officer) and Sh. M.
K. Bisen (FSL Expert) are discharged unexamined due to want of
case property.

It is submitted by Ld. SPP for CBN on instructions
from Sh. Praveen Dhull, Superintendent, CBN that the case
property could not be produced today, since Sh. S. P. Singh,
Superintendent, CBN is on EL and he is the Malkhana Incharge.

Perusal of record reflects that PW2 Sh. Praveen
Dhull was partly examined in chief on 01.08.2025 and his further
examination was deferred for the want of case property. More
than 4 months have elapsed, since the witness was partly
examined. This court cannot understand as to why no other
officer was deputed to produce the case property, if the malkhana
incharge Sh. S. P. Singh Superintendent was on leave. Merely
because an officer on leave does not mean that the case property
would not be produced before the Court. Accused Ram Dhan

Goyal is in JC since 07.02.2022 and the trial is being delayed from one occasion to the other due to laxity on party of CBN.

Perusal of record reflects that on number of occasions, either the witnesses have not appeared or other occasions due to the non-production of case properties, the witnesses could not be examined. The prosecution being conducted by CBN is being pursued in such a manner that it leaves this Court with no other option but to give one last and final opportunity to CBN to produce the witnesses and the case property, or else the PE shall be closed and the matter would be further listed for SA, on the basis of incriminating evidence, if any which has already come on record.

Let the witnesses be summoned as per previous ordersheet through Commissioner CBN, alongwith the entire case property for NDOH. Let the copy of this order be sent alongwith the summons.

Put up for PE on **30.01.2026**.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
26.12.2025