



(VIA VIDEO CONFERENCE)



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 65/2022**

ACHUTA PRADHAN AND BIPIN BIHARI LENKA

..... Petitioner

Through: Ms.Archana Sharma, Advocate.

versus

NCB

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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01.02.2022

CRL.M.A. 1981/2022 (Exemption)

1. The present application has been filed by the petitioner under Section 482 Cr.P.C. seeking exemption from filing the duly sworn/attested affidavit/court fees.
2. Exemption allowed, subject to the condition that petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.
3. The application stands disposed of.

CRL.M.A. 2018/2022 (Exemption)

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.



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CRL.REV.P. 65/2022

1. The present petition has been filed under Section 397/401 read with Section 482 Cr.P.C. on behalf of the petitioner against the order of dismissal dated 04.01.2022 passed by the learned Special Judge (NDPS Act) refusing to send the entire contraband substance allegedly recovered from the truck to CRCL for determination of the actual quantity of 'ganja' as per the definition provided in the NDPS Act.
2. It is submitted by the learned counsel for the petitioner that as per the case of the prosecution the total *ganja* recovered from the truck is around 386 kg and without adhering to the sample procedure, the recovered *ganja* was mixed and only 347 gms recovered substance was sent to CRCL which even cannot be said to represent the sample as per law. It is further submitted by learned counsel for the petitioner that the petitioners were the helper and driver of the truck and they had no connection with the alleged recovered contraband substance.
3. None is appearing for the respondent-NCB.
4. Issue notice to the respondent-NCB by all possible modes on steps being taken by the petitioner, returnable on 23.05.2022.

RAJNISH BHATNAGAR, J

FEBRUARY 1, 2022

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