

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-528 No. 462 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Rohit Kakkar, learned counsel, holding brief of Mr. Chandra Prakash, learned counsel for the applicant.</p> <p>2. Mr. S.C. Dumka, learned D.A.G. for the State.</p> <p>3. The present criminal misc. application is filed with a prayer to quash and set-aside the chargesheet, summoning order as well as the entire proceedings of Special Sessions Trial No. 386 of 2025, State Vs. Abdul Kadir and Others, under Sections 8/21/29 of NDPS Act, pending in the court of learned Special Judge, NDPS Act, Haridwar.</p> <p>4. The case of the applicant is that one Vijay Kumar was arrested on 04.10.2025 and from his possession, 35.31 grams of smack was alleged to have been recovered from him. On his confessional statement, the present applicant has been made an accused.</p> <p>5. Learned counsel for the applicant submits that applicant has been falsely implicated in the matter and even the perusal of the FIR would reveal that the accused, who was arrested in the matter, has only named few persons including the present applicant that he used to purchase alleged smack from them also. It is not the case of the prosecution that the alleged smack, which was recovered from the possession of one Vijay Kumar, was purchased by him from the present applicant. Furthermore, learned counsel submits that the applicant is in</p>

judicial custody in District Jail, Muzaffarnagar since 19.08.2025.

6. Since, the name of the applicant came only on the vague statement of the co-accused, who was arrested on the spot and the allegation of the applicant is not related to the present contraband, which was recovered from the applicant, *prima facie*, this Court is of the view that compliance of Section 37 of NDPS Act are not attracted in the present case.

7. This Court finds some substance in the submission made by learned counsel for the applicant and having heard the submission, under the facts and circumstances of the case, this Court is of the view that this matter definitely requires deliberation.

8. Let counter-affidavit be filed by the respondents in the matter within three weeks.

9. List thereafter.

10. After perusing the records and having heard learned counsel for the parties, this Court, *prima facie*, is of the opinion and is satisfied that in the interest of justice, further proceedings of Special Sessions Trial No. 386 of 2025, State Vs. Abdul Kadir and Others, under Sections 8/21/29 of NDPS Act, pending in the court of learned Special Judge, NDPS Act, Haridwar, shall remain stayed qua the applicant till the next date of listing.

(Alok Mahra J.)

21.04.2026

Ujjwal