

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10144/2009

(Arising out of impugned final judgment and order dated 15/09/2009 in CRLMA No. 414/2008 passed by the High Court of Uttarakhand at Nainital)

STATE OF UTTARKHAND

Petitioner(s)

VERSUS

RAJESH KUMAR GUPTA

Respondent(s)

(With office report)

Date : 13/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Pankaj Bhatia, Adv.  
Mr. Nipun Goel, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.

For Respondent(s) Mr. Niraj Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(JYOTI GUPTA)  
SR. P.A.

(SNEH LATA SHARMA)  
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 94 of 2017

[@ Special Leave Petition (Crl.) No(s).10144 of 2009]

STATE OF UTTARAKHAND

... APPELLANT (S)

VERSUS

DR. RAJESH KUMAR GUPTA

... RESPONDENT (S)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

It appears that in a case of this nature this Court has only held that *prima facie* the provisions of the NDPS Act will not apply.

The High Court without independently examining whether an offence under NDPS Act has been made out has quashed the proceedings only on the above observation of this Court.

The order so passed by the High Court is set aside and the matter is remanded back to the High Court which would decide the matter afresh.

The appeal is allowed in the afore-stated terms.

.....J.  
[PINAKI CHANDRA GHOSE]

.....J.  
[ROHINTON FALI NARIMAN]

New Delhi;  
January 13, 2017.