

ITEM NO.301

COURT NO.4

SECTION II-C

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 (Cr1.) No(s).8164-8166/2021

(Arising out of impugned final judgment and order dated 03-11-2020 in CRLREVP No.1219/2019, CRLREVP No.1220/2019 and CRLREVP No.1222/2019 passed by the High Court of Delhi at New Delhi)

MOHD. ARBAZ & ORS.

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI

Respondent(s)

WITH

SLP(Cr1) No. 8496-8497/2021 (II-B)

IA No.164255/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No.164253/2021 - EXEMPTION FROM FILING O.T.

IA No.164250/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No.149482/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 8718/2021 (II-B)

IA No. 147020/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 355/2022 (II-B)

IA No. 7098/2022 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 532/2022 (II-B)SLP(Cr1) No. 2666/2022 (II-B)

IA No. 46867/2022 - APPLICATION FOR TAKING ON RECORD

IA No. 53398/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 46871/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 41462/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 41461/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 5190/2022 (II-B)

IA No. 79259/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 11181/2022 (II-B)SLP(Cr1) No. 6876-6877/2022 (II-B)

IA No. 103181/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 11349/2022 (II-B)

IA No. 115643/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 6865-6866/2023 (II-B)

IA No. 105482/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(Cr1) No. 1929/2023 (II-C)

SLP(Cr1) No. 3850/2023 (II-B)

(IA No.60330/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 5744-5746/2023 (II-B)

(FOR ADMISSION and I.R. and IA No.78045/2023-CONDONATION OF DELAY IN FILING and IA No.78046/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 8610/2023 (II-C)

(FOR ADMISSION and I.R. and IA No.134901/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 12132/2023 (II-C)

IA No. 54745/2024 - APPLICATION FOR TAGGING/DETAGGING

IA No. 179632/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 179633/2023 - EXEMPTION FROM FILING O.T.

IA No. 13190/2024 - INTERIM BAIL)

SLP(Cr1) No. 12200/2023 (II-C)

Diary No(s). 41755/2023 (II-C)

(IA No.212952/2023-CONDONATION OF DELAY IN FILING and IA No.212951/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.212953/2023-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 13327/2023 (II-C)

IA No. 212917/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 212918/2023 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 13501/2023 (II-C)

Diary No(s). 43791/2023 (II-C)

(FOR ADMISSION and I.R. and IA No.234690/2023-CONDONATION OF DELAY IN FILING and IA No.234689/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 4333/2024 (II-C)

SLP(Cr1) No. 3629/2024 (II-C)

SLP(Cr1) No. 11628/2022 (II-C)

IA No. 41799/2023 - APPLICATION FOR PERMISSION

IA No. 52371/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 4107/2023 (II-C)

IA No. 41886/2023 - CLARIFICATION/DIRECTION

IA No. 5571/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 5572/2023 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 2562/2023 (II-B)

IA No. 39415/2023 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 3446/2024 (II-C)

Date : 18-07-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Balaji Srinivasan, AOR

**Mr. Mukesh Kumar Verma, Adv.
Mr. Ashwani Kumar Sharma, Adv.
Mr. Ajay Agarwal, Adv.
Ms. Priyanka, Adv.
Mr. Kundan Kumar, Adv.
Mr. Ayush Tomar, Adv.
Dr. Kamal Singh, Adv.
Mr. Yadav Narender Singh, AOR**

**Mr. Somesh Chandra Jha, AOR
Mr. Amartya Ashish Sharan, Adv.
Mr. Shrey Saini, Adv.
Mr. Akash Kishore, Adv.
Mr. Animesh Rajoriya, Adv.**

**Mr. Vikram Hegde, AOR
Mr. Chitwan Sharma, Adv.**

**Mr. Rudro Chatterjee, Adv.
Mr. Anas Tanwir, AOR
Ms. Megha Karnwal, AOR
Mr. Ajay Pal, AOR
Mr. Anil Kumar, AOR**

**Mr. Vikas Sharma, Adv.
Mr. Vikram Hegde, Adv.
Ms. Devanshi Sharma, Adv.
Mr. Anil Kumar, Adv.**

Mr. Nishant Singh, AOR

**Mr. Bhanwar Pal Singh Jadon, D.A.G.
Mr. Harsh Vardhan Singh Rajawat, Adv.
Mr. Chetan Jadon, Adv.
Ms. Hemlata Singh Rathore, Adv.
Mr. Samar Vijay Singh, AOR
Dr. Vps Jadon, Adv.
Ms. Sabarni Som, Adv.
Mr. Pankaj Kumar, Adv.
Mr. Sidharth Arora, Adv.
Mr. Vaibhav Tiwari, Adv.**

**Mr. M.L. Saggar, Sr. Adv.
Mrs. Tanuj Bagga Sharma, AOR
Mr. Sunny Saggar, Adv.
Ms. Armaan Saggar, Adv.
Dr. M.k Ravi, Adv.**

**Mr. Ashish Batra, AOR
Mr. Sriram P., AOR**

Mr. Harshit Sethi, Adv.
Mr. Nikhil Jain, AOR
Mr. Rahil Mahajan, Adv.
Ms. Mansi Tripathi, Adv.
Ms. Divya Jain, Adv.

Mr. Aabhas Kshetarpal, Adv.
Mr. Neelaabh Bist, Adv.
Mr. Siddhartha Jha, AOR

Mr. Uday Gupta, Sr. Adv.
Mr. Hiren Dasan, AOR
Mr. Krishnendu Bhattacharya, Adv.
Mr. Narayan Chandra Das, Adv.
Ms. Shivani M. Lal, Adv.
Mr. Harish Dasan, Adv.
Mr. Rajiv Ranjan, Adv.
Ms. Yogamaya M.G., Adv.
Mohammad Akbar Khan, Adv.

Mr. Rishi Malhotra, AOR

Mr. Vikram Chaudhri, Sr. Adv.
Mr. Keshav Chaudhari, Adv.
Ms. Anzu. K. Varkey, AOR
Mr. Rishi Sehgal, Adv.
Ms. Arveen Sekhon, Adv.
Mr. Hargun Sandhu, Adv.
Ms. Muskan Khurana, Adv.

Ms. Ashima Mandla, Adv.
Ms. Mandakini Singh, Adv.
Mr. Zeeshan Ahmad, Adv.
Ms. Ankita Chaudhary, AOR

Mr. Mukesh Kumar Verma, Adv.
Mr. Anil Kumar Verma, AOR
Mr. Ajay Agarwal, Adv.

Mr. R.A. Worso Zimik, Adv.
Mr. Dhiraj Abraham Philip, AOR

Mr. Tripurari Ray, Adv.
Mr. Balwant Singh Billowria, Adv.
Mr. Vivekanand Singh, Adv.
Mr. Anirudh Ray, Adv.
Mr. Akshay Singh, Adv.
Mr. M.s. Khan, Adv.
Ms. Shilpa Singh, AOR

For Respondent(s) Mr. Lokesh Sinhal, Sr.AAG

Dr. Monika Gusain, AOR
Mr. Neeraj, A.A.G.
Mr. Piyush Beriwal, Adv.
Mr. Ankit Raj, Adv.
Mr. Rudra Paliwal, Adv.
Mr. Deepanshu Badiwal, Adv.
Mr. Vedansh Anand, Adv.
Ms. Damini Garg, Adv.
Dr. Monika Gusain, AOR

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sansriti Pathak, Adv.
Mr. Merusagar Samantary, Adv.
Mrs. Vanshaja Shukla, Adv.
Ms. Megha Karanwal, Adv.
Ms. Sairica Raju, Adv.
Mr. Chitransh Sharma, Adv.
Mr. Prashant Rawat, Adv.
Mr. Ritwiz Rishabh, Adv.
Mr. Parantap Singh, Adv.
Mr. Harish Pandey, Adv.
Mr. Anmol Chandan, Adv.
Mr. Ayush Anand, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rajat Nair, Adv.
Ms. Rashmi Mangal, Adv.

Ms. Anju Thomas, Adv.
Mr. Bhanu Mishra, Adv.
Ms. Astha Sharma, AOR
Ms. Lihzu Shiney Konyak, Adv.
Ms. Mantika Haryani, Adv.
Ms. Pratibha Yadav, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Mr. Alabhya Dhamija, Adv.
Ms. Deepabali Dutta, Adv.
Mrs. Sairica S Raju, Adv.
Mr. Prashant Rawat, Adv.
Mr. Anmol Chandan, Adv.
Mrs. Swarupama Chaturvedi, Adv.
Ms. Shivika Mehra, Adv.
Mr. Prasanjeet Mohapatra, Adv.
Mr. Ritwiz Rishabh, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Mr. Sarthak Karol, Adv.
Mr. Rajan Kumar Chourasia, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. Nishe Rajen Shonker, AOR

Mrs. Anu K Joy, Adv.

Mr. Alim Anvar, Adv.

Ms. Nandini Sen Mukherjee, AOR

Ms. Megha Karnwal, AOR

Mr. Pankaj Pandey, Adv.

Mr. Girish Tripathi, Adv.

Ms. Roohe Huina Dua, Adv.

Mr. Ankit Khera, Adv.

Mr. Harshit Khanduja, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. In this batch of cases, the primary issue that arises for consideration is as to whether a chargesheet without the FSL/Examiner's Report in a NDPS case can be termed as an 'incomplete Report' under Section 173 Cr.P.C.?

2. During the course of hearing, it so transpired that various other questions of paramount public importance, with regard to the fairness and efficacy of the trials under the NDPS Act, also need to be resolved. Some of these issues have also been formulated by one of the learned counsel for the petitioners.

3. One such issue pertains to the establishment of adequate FSL/Examiner Laboratories by the State Governments along with appointment of requisite technical staff to operate such laboratories. It seems to us that issues such as the current status of the FSL/Examiner's Laboratories, creation of a robust mechanism for submission of the FSL/Examiner's Reports within the stipulated period and the issue pertaining to follow up action taken by the States in compliance of the directions issued by this Court in Union of India vs. Mohan Lal & Anr., (2016) 3 SCC 379, etc. would require indepth consideration by us. Consequently, we propose to hear all the States and the Union Territories before any effective directions are issued.

4. We, therefore, direct the Registry to issue notices to

the Union of India, all the States and the Union Territories, returnable on 29.08.2024.

5. Notices re: prayer for interim bail be also issued, returnable on 29.08.2024.

6. The Union of India may be served through the Central Agency.

7. Liberty is granted to the petitioners to serve the States/Union Territories through their standing counsels as well.

8. The orders granting interim bail to the petitioners shall continue to operate until further orders.

9. Post these matters for hearing on 29.08.2024.

10. To be taken up at 3.00 p.m.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR