

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR.**

..

**S.B. Crml Leave To Appeal No. 148/2020.**

State of Rajasthan through PP

----Appellant

Versus

Anuj Kumar S/o Ashok Kumar, Aged About 23 Years, B/c Bishnoi,  
R/o 15 Knd, Rawla, Sriganganagar.

----Respondent

---

For Appellant(s) : Mr. Laxman Solanki, PP.

---

**HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA**

**Order**

**31/08/2020**

Learned Public Prosecutor stated that the learned Trial Court has wrongly held that the compliance of Section 42 of the NDPS Act is necessary in the present case. He further stated that since this is a case of 'Chance Recovery', therefore, such compliance of Section 42 of the NDPS Act is not necessary. He further stated that although the case of the prosecution was proved by the other accused but on the basis of the independent witnesses, who turned hostile, the order of acquittal was wrongly passed by the learned Trial Court.

Heard learned Public Prosecutor and perused the judgment impugned.

This Court is of the opinion that there are valid and substantial grounds for grant of leave to the appellant applicant State of Rajasthan for filing an appeal against the acquittal of the respondent vide impugned judgment.

Accordingly, the application for grant of leave to appeal is allowed. The memo of leave to appeal be treated as an appeal and it be registered as such. Amended cause title be filed within two weeks.

Admit. Issue notice. Record be called for.

The respondent be summoned through a bailable warrant in the sum of Rs.25,000/-.

List accordingly.

**(DEVENDRA KACHHAWAHA),J**

1-Mohan/-

