



2026:DHC:5764



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

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Date of Decision: 20.07.2026

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W.P.(CRL) 2079/2026, CRL.M.A. 20853/2026 & 20852/2026**MR. NIKET KANSAL**

.....Petitioner

Through: Mr. Arjun Garg and Mr. Saaranish
Shukla, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for State with
SI Prahlad, PS Special Cell/SWR.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. For convenience prayer clause of this writ petition is extracted below:

*In view of the foregoing facts and grounds, it is most respectfully prayed that this Hon'ble Court may be pleased to:**"1. Issue an appropriate writ, order or direction in the nature of certiorari quashing the impugned summons/notice dated 09.07.2026 issued to the Petitioner under Section 67 of the NDPS Act in FIR No. 320/2024, P.S. Special Cell (SB), New Delhi;**2. Issue an appropriate writ, order or direction in the nature of prohibition/mandamus restraining the Respondents from undertaking any further investigation against the Petitioner in FIR No. 320/2024 without following the due process of law;*



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3. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned ASC appearing on advance intimation submits that the petition can be disposed of today itself.

3. According to both sides, prayer no.(1) has become infructuous because the notice dated 09.07.2026 under Section 67 NDPS Act was returnable on 16.07.2026, which date has elapsed. It is informed by both sides that for 16.07.2026, the petitioner sent an exemption request, so now fresh notice would be issued by the Investigating Officer.

4. As regards the prayer no.(2), learned ASC submits, as is obvious, that the respondents shall not carry out any further investigation in case FIR No.320/2024 of PS Special Cell (SB), New Delhi without following due process of law. Learned ASC submits that vide order dated 22.04.2026, the trial court had implicitly granted permission to carry out further investigation. But on this aspect, learned counsel for petitioner submits that according to the settled legal position, there cannot be any implicit permission and the investigating agency has to file a formal application, which has to be decided after application of judicial mind. In this regard, learned counsel for petitioner as well as learned ASC have no dispute as regards the legal position, which is to the effect that proviso to Section 193(9) BNSS is not accused centric, but investigation centric. So, the prayer



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clause to restrain the respondents from carrying out further investigation against the petitioner has to be understood as further investigation in the said FIR.

5. Accordingly, the petition is disposed of, taking on record the statement of learned ASC that they shall not carry out any further investigation of case FIR No.320/2024, PS Special Cell (SB), New Delhi without following due process of law. The accompanying applications also stand disposed of.

6. However, nothing shall prevent the investigating agency from seeking permission to carry out further investigation in the said FIR in accordance with law.

**GIRISH
KATHPALIA**

**GIRISH KATHPALIA
(JUDGE)**

Digitally signed by GIRISH KATHPALIA
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