

APPELLATE TRIBUNAL UNDER SAFEMA AT NEW DELHI

FPA-ND-526/MUM/2022

Central Bureau of Narcotics

... Appellant

Versus

The Competent Authority, Mumbai	...	Respondent No.1
Shri Pankaj Kumawat	...	Respondent No. 2
Smt. Hemlata Kumawat	...	Respondent No. 3
Ms. Deepika Kumawat	...	Respondent No. 4

Advocates/Authorized Representatives who Argued

For the Appellant	:	Mr. Satish Aggarwala, Sr. Adv.
For the Respondent No. 1	:	Ex-parte
For Respondent No. 2 to 4	:	Mr. Vikalp Sharma, Adv.

CORAM

SHRI BALESH KUMAR	:	MEMBER
SHRI RAJESH MALHOTRA	:	MEMBER

FINAL ORDER
27.10.2025

Dictated by: Rajesh Malhotra

Present Appeal is filed under Section 68 of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) by Central Bureau of Narcotics against the order dated 29.08.2022 vide which the properties frozen by the Freezing Authority/Central Bureau of Narcotics vide order dated 03.08.2022 were not confirmed.

2. Ld. Counsel for the Respondent No. 2 to 4 pointed out that properties were frozen by the Freezing Authority as Respondent No. 2 Shri Pankaj Kumawat was charge-sheeted in NDPS case along with the other accused persons in FIR No. 01/2021, P.S. Central Narcotics Bureau, District – Mandsore, M.P. He pointed out that present appellant is Respondent No. 2 is already acquitted by Ld. Special Judge, Mandsore, Neemach, Madhya Pradesh, vide judgment of acquittal dated 08.03.2025.

He pointed out that state/CBN has not filed any criminal appeal against the said judgment of acquittal till date, and accordingly, the judgment of acquittal has attained finality. He further pointed out that appellant Pankaj Kumawat was neither a previous convict, nor any criminal case is pending against him. Prayer is accordingly made to dismiss the present appeal filed by the CBN being infructuous.

3. We perused the case status report from the website of Hon'ble High Court of Madhya Pradesh, which reflects that no appeal is pending qua the present Respondent No.2. Respondent No. 3 & 4 are his family members. Accordingly, the said judgment of acquittal dated 08.03.2025 has attained finality. Hence, this appeal needs to be dismissed being infructuous.

4. Accordingly, the present appeal is hereby dismissed being infructuous subject to the condition that Respondent No.2 Pankaj Kumawat is not a previous convict, nor any other case under NDPS Act, 1985 is pending against him.

Appeal Dismissed.

Pronounced on this 27th Day of October, 2025.

(Rajesh Malhotra)
Member

(Balesh Kumar)
Member

'AB'