

27.07.2020

Arguments heard by way of videoconferencing connected by Ahlmad of the court.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State through videoconferencing.
Shri Animesh Pandit, Ld. counsel for accused through videoconferencing.

By this order, I shall decide the present application U/s 439 (2) Cr.P.C requesting for cancellation of interim bail of accused Sunny moved on behalf of State. Facts as stated in the bail application are as follows :

It is submitted that accused has obtained interim bail for one month on the ground of illness of his wife vide order dated 22.06.2020. That the relevant medical documents of his wife Smt. Shalu were issued by Dr. Gajender Kumar Nayyar. The Hon'ble High Court of Delhi observed in the case titled as **Abdul Rehman @ Nawali Vs. State** that the Delhi Medical Council had suspended the registration of Dr. Gajender Kumar Nayyar on 30.10.2019 for a period of 365 days i.e. till 29.11.2020. That on 21.06.2020, Dr. Gajender Kumar Nayyar issued an handwritten certificate to the effect that only surgery will cure the disease of the patient Shalu. That on the basis of abovesaid report of Dr. Gajender Kumar Nayyar, this court was pleased to grant interim bail to the accused for one month to look-after his wife. That in view of the observations of Hon'ble High Court of Delhi, the registration of Dr. Gajender Kumar Nayyar has already been suspended and therefore, the medical documents which were issued by him, has no legal sanctity in the eyes of law.

Reply received on behalf of IO.

Arguments of counsel for accused were heard through videoconferencing. Although, no formal reply has been filed by the counsel on behalf of applicant.

Counsel for accused has submitted that medical documents submitted by applicant Sunny were true & genuine, even though, the concerned doctor (Dr. Gajender Kumar Nayyar) is facing criminal trial for allegedly issuing of false medical certificates to help the accused persons to get bail from various courts on the ground of false medical certificates.

Ld. Additional Public Prosecutor as well as IO SI Sushil Kumar have submitted that bail was obtained by the applicant on false medical documents from a doctor who has been indicted for issuing false medical documents to various accused persons for illegal gratification. The present accused Sunny also obtained relief from this court based upon documents issued by the said doctor who is facing criminal charges. Therefore, accused Sunny should be directed to surrender immediately before the court.

Ld. counsel for accused has requested that at-least two days time may be granted to the accused to surrender before the court as he has to make arrangements for his family and wife while he was in judicial custody.

Therefore, keeping in view the fact that the said doctor who issued false medical certificates is facing criminal trial for issuing false medical documents to various accused persons, the present bail which was granted to accused Sunny is hereby cancelled with effect from 29.07.2020. Meanwhile, on request of counsel for accused Sunny, two days time is granted to the accused to get his house in order and accused is directed to surrender himself before the concerned jail authorities on **29.07.2020 before 3:00 PM.**

One copy of this order be sent to the concerned Jail Superintendent to ensure compliance of the order and concerned Jail Superintendent is directed to send his report to this court regarding surrender or non-surrender of the accused on 29.07.2020 by 3:00 PM.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

FIR No. 168/2020
PS : Rajouri Garden
U/s 20/25/29 NDPS Act
State Vs. Rahul Mishra & Ors.

27.07.2020

This is an application seeking release of articles seized during personal search/*jamatalashi* of applicant Rahul Mishra.

Present: Mr. Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State
through videoconferencing.
Mr. Nagmani Kumar, Ld. counsel for applicant.

Reply received on behalf of IO.

Heard. Record perused.

In view of reply, let personal search/*jamatalashi* articles of applicant (except notice U/s 50 NDPS Act), be released to the applicant as per personal search memo after proper verification and against receipt.

Application stands disposed off accordingly.

Copy of order be given *dasti* to the applicant if prayed for.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

FIR No. 148/19
PS : Tilak Nagar
U/s 21 NDPS Act &
14 of The Foreigners Act, 1946
State Vs. Patrick Aso

27.07.2020

Arguments heard by way of videoconferencing connected by Ahlmad of the court.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State through videoconferencing.

Shri R.K Sharma, Ld. counsel for applicant/accused through videoconferencing.

By this order, I shall decide the second bail application filed on behalf of applicant Patrick Aso. Facts as stated in the bail application are as follows :

It is submitted that first bail application of applicant was dismissed as withdrawn by Ld. Sessions Court on 24.06.2019. That applicant has clean antecedents and not involved in any other case. That applicant was not present at the spot from where the police allegedly showed his arrest and he has been falsely implicated in the present case. That the alleged recovery of heroin from applicant is false, fabricated and planted. That the alleged quantity of heroin recovered from the applicant is only 20 gm as per the story of police. That the trial will take a lone time and there will be no purpose fulfilled to keep the applicant in custody. That the applicant has a strong case of acquittal as the prosecution story is without any material evidence against the applicant and even the story of prosecution has so many dents which are demolishing the case of prosecution. That there is no possibility of the applicant tampering with the evidence or of intimidating any witness and there are negligible chances of fleeing away from the process of law.

That because of Covid-19 situation, the applicant has apprehension that he may be infected by Corona Virus in jail.

Learned Addl. Public Prosecutor has opposed the bail application in view of reply filed by the IO.

IO has opposed the bail application further on the ground that contraband substance recovered from the possession of applicant was got tested at FSL : Rohini and result of the same was found positive. That applicant has neither permanent residence in Delhi nor valid visa for staying in our country. That he may influence the witnesses, may again indulge in this crime and there is strong possibility of jumping the bail if released on bail.

After hearing arguments from both the sides, the court is inclined to agree with the submissions of Learned Addl. Public Prosecutor. Applicant was allegedly found in possession of contraband which was found positive after determination. Applicant does not have any permanent address in Delhi or India. Applicant does not have any valid visa for staying in India. If bail is granted interim or otherwise, there is strong possibility that applicant may jump the bail and run away from the process of court to avoid trial. Therefore, keeping in view the strong reply of IO as well as strong opposition of Ld. Additional Public Prosecutor, the bail application at this stage is rejected. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, IO/SHO concerned, Ld. Additional Public Prosecutor and Jail Superintendent concerned on their e-mail IDs if provided and found to be correct, through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

FIR No. 90/2020
PS : Hari Nagar
U/s 364A/392/34 IPC
State Vs. Ajay Arora

27.07.2020

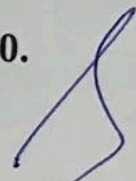
Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State through videoconferencing.

Reply not received.

Ahlmad of this court has contacted Ld. counsel for applicant Shri Ayub Ahmed Qureshi on telephone and informed him about not filing of reply by IO.

Issue fresh court notice to IO to file report positively on NDOH.

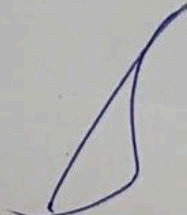
At request of Ld. counsel, re-list the matter on 29.07.2020.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

At 12:30 PM

At this stage, report received on behalf of IO. Hence, notice to IO need not be issued.

Put up on the date fixed.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

FIR No. 692/20
PS : Khyala
U/s 21 NDPS Act
State Vs. Usha

27.07.2020

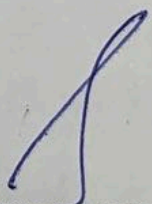
Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State through videoconferencing.
Shri Deepak Ghai, Ld. counsel for applicant/accused.

This is an application for calling medical report of the applicant/accused Usha from concerned Jail Superintendent.

Heard. Prayer allowed.

Let medical report of applicant Usha be called from concerned Jail Superintendent for 30.07.2020.

Re-list the matter on **30.07.2020**.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

27.07.2020

Arguments on the bail application heard by way of videoconferencing connected by Ahlmad of the court.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State through videoconferencing.

Shri Anoop Kumar Gupta, Ld. counsel for applicant/accused through videoconferencing.

By this order, I shall decide the bail application requesting for grant of interim bail for a period of three months to applicant/accused Agbahia Ikenna Amos. Facts as stated in the bail application are as follows :

It is submitted that urgency in the present matter is outbreak of Covid-19 virus pandemic and more than 46 corona positive have also been found. That the applicant is having Type-2 Diabetes and suffering from high grade sugar level. That applicant has been falsely implicated in the present case. That the applicant has not been apprehended from the place, time and in a manner stated by the prosecution and his signatures were obtained on some plain & semi written documents and subsequently, they were filled as per their wish and whims and he has roped in the present case. That at the time of apprehension of applicant from his house, nothing has been recovered from the possession of applicant. That the charge has been framed in the present case and the prosecution has already examined 10 witnesses out of total 14 witnesses and trial will take long time to conclude. That applicant is suffering from High Blood Sugar with related diseases like High Blood Pressure and kidney problem. That his immunity is very low and there is high possibility of infection of Corona Virus. That he is only bread earner of his family consisting of his wife and minor child and there is nobody to

look-after them or arrange money for the family and that his family is at the situation of starvation.

Learned Addl. Public Prosecutor has opposed the bail application in view of reply filed by the IO.

IO has strongly opposed the bail application further on the ground that the offence is serious in nature and recovered contraband is commercial in nature. That if bail is granted, there is every possibility that he may jump the bail. It is, therefore, prayed that considering the gravity of offence, applicant should not be released on bail.

I have heard arguments from both the sides.

Ld. Additional Public Prosecutor has submitted that the medical condition of the applicant is stable even as per report of Medical Officer In-charge of Tihar Jail. Moreover, it is submitted that the condition of applicant is not serious and is not under any threat. The present bail application was filed on the grounds of medical illness and danger to applicant to his health because of the Covid-19 virus pandemic. But after going through the report of Medical Officer In-charge, this court is of the opinion that applicant is not entitled to be released on bail interim or otherwise on ground of medical illness. In the present case, there is nothing like threat to the applicant and if the applicant comes out jail in the condition as described by counsel for the applicant, there is more danger to the health of the applicant outside the jail rather than inside. Therefore, the present application is rejected being devoid of any merit.

The application stands disposed of accordingly.

One copy of this order be sent to counsel for applicant, IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs, if provided and found to be correct, through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

FIR No. 369/19
PS : Patel Nagar
U/s 392/397/411/34 IPC
State Vs. Akash @ Wasi

27.07.2020

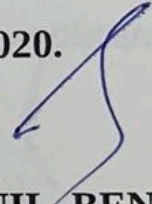
Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State through videoconferencing.

Reply not received.

Ahlmad of this court has contacted Ld. counsel for applicant Shri Ayub Ahmed Qureshi on telephone and informed him about not filing of reply by IO.

Issue fresh court notice to Jail Superintendent to file report positively on NDOH.

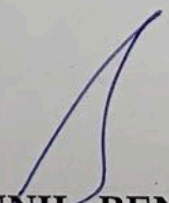
At request of Ld. counsel, re-list the matter on **29.07.2020**.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020

At 12:30 PM

At this stage, report received. Hence, notice to Jail Superintendent need not be issued.

Put up on the date fixed.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
27.07.2020