

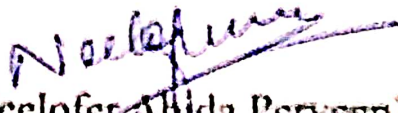
FIR No. 88/2019
PS: NDRS
State Vs. Abhishek
U/s 363/365/342/384/323/34 IPC

15.09.2020

Present : None

At the time of passing of orders it emerges that certain clarifications are required and record of bail orders of the co-accused is also to be perused.

For orders put up on 17.9.2020.


(Neelofer Ahjda Perveen)
ASJ (Central)THC/Delhi
15.09.2020

order dated 24.08.2020 has clarified in respect of further extension of interim orders in following words:-

"2. Taking note of the extraordinary circumstances prevailing at that point of time and taking note of the directions of Hon'ble Administrative and General Supervision Committee of this Court issued from time to time regarding functioning of Delhi High Court and Courts subordinate to Delhi High Court, the directions contained in our order dated 25th March, 2020 were further extended vide our orders dated 15th May, 2020, 15th June, 2020, and 13th July, 2020 and the latest extension is effective till 31st August, 2020. Now taking note of the prevalent Covid-19 pandemic situation in Delhi, Hon'ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31st August, 2020.

4. In view of the above, we hereby further extend the implementation of the directions contained in our orders dated 25th March, 2020, 15th May, 2020, 15th June, 2020 and 13th July, 2020, till 31 October, 2020 with the same terms and conditions."

In view of the directions passed by Hon'ble High Court vide order dated 24.08.2020 in W. P. (C) No. 3037/2020 in Court on its own Motion v. State & Ors, **interim bail of the accused-applicant Rakesh Mishra is extended till 31.10.2020 on same terms and conditions.**

Application stands disposed of.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
15.09.2020

FIR No. 224/2018
PS: Crime Branch
State Vs. Babloo Kumar Nagar etc (applicant Rakesh Mishra)
U/s 22/29 NDPS Act

15.09.2020

Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)

Sh. Anand Verdhan Maitreya, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for extension of interim bail till 31.10.2020 moved on behalf of accused Rakesh Mishra in case FIR No. 224/2016.

It is submitted by Ld. Counsel for accused-applicant that accused-applicant was granted interim bail of 15 days vide order dated 30.06.2020 and was released from jail on 01.07.2020. Thereafter, the interim bail of the accused-applicant was extended till 31.08.2020 vide order dated 15.07.2020. It is further submitted that on 31.08.2020 accused went Jail for surrender, however, jail authorities refused to take him into custody as per guidelines issued by Hon'ble High Court of Delhi and taken his signatures on a register. That accused-applicant has complied all the terms and conditions imposed vide order dated 30.06.2020.

Heard. Perused.

The Full Bench of Hon'ble the High Court in W. P. (C) N.3037/2020 titled as **Court on Its Own Motion v. State & Ors.** vide

Neebajun

FIR No. 32/2019
PS: Prasad Nagar
State Vs. Yogesh @ Babu
U/s 302/323/241/14/148/149/ IPC & 25 Arms Act

15.09.2020

Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)

Sh. Dharmender Bhan, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

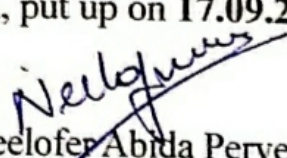
This is an application for grant of interim bail on behalf of accused Yogesh @ Babu in case FIR No. 32/2019 on the ground of illness of his parents.

Ld. counsel for the accused-applicant submits that he has filed on the email of the Court, the latest medical documents pertaining to the mother of the accused-applicant.

Ld. Addl. PP submits that said documents have not been verified by the IO.

Let the latest documents of the mother of the accused-applicant be got verified.

For report and consideration, put up on 17.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.09.2020

FIR No. 329/2018
PS: Sarai Rohilla
State Vs. Raja Babu
U/s 302/392/397/411/34 IPC

15.09.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).
Ms. Archana Chibber, Counsel for accused-applicant (through video conferencing)

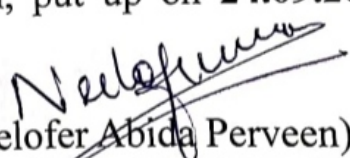
Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of accused Raja @ Babu in case FIR No. 329/18 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons due to out break of covid-19 pandemic.

Let custody certificate alongwith conduct report be called for from Superintendent Jail. Reply be also called from the IO.

Ld. counsel for accused-applicant may also go through minutes of meetings dated 31.07.2020 in order to assist the Court if the case of the accused-applicant would fall under the guidelines or not.

For report and consideration, put up on **24.09.2020**, as per request.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

15.09.2020

FIR No. 91/2018
PS: Kotwali
State Vs. Mohd. Alam
U/s 342/394/397/34 IPC

15.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).


None for accused-applicant.

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Mohd. Alam in case FIR No.91/2018.

Today, matter is listed for clarifications. Ld. Addl. PP submits that he needs to go through the case file and therefore matter may be taken up on date fixed for physical hearing of the Court.

For clarification, if any, put up on **17.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.09.2020

FIR No. 54/2019
PS: Wazirabad
State Vs. Babu @ Ritik @ Ishwar @ Safiq
U/s 392/397/411/34 IPC

15.09.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).

Sh. Naveen Gaur, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

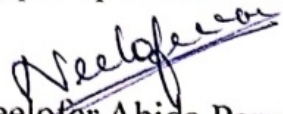
This is fourth application for grant of regular bail on behalf of accused Babu @ Ritik in case FIR No. 54/19.

Reply to the application not filed by the IO as the FIR number mentioned in the application is incorrect.

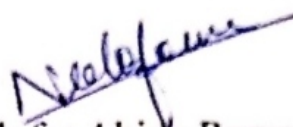
Ld. counsel for the accused-applicant submits that due to typographical error FIR number has been wrongly mentioned. Ld. counsel submits that FIR number may be read as "FIR No. 51/2019" instead of FIR No. 54/2019. It is ordered accordingly.

Let reply alongwith previous involvement report be called from the IO in case FIR No. 51/2019.

For report and consideration, put up on **26.09.2020**.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
15.09.2020

involvement alleged against him, the ground of parity therefore is rendered untenable. No ground is made out to grant regular bail to accused Asif in case FIR No. 149/2018. The present application is accordingly dismissed.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

15.09.2020

Heroin which is the commercial quantity of the contraband thereby attracting the rigors of section 37 of the NDPS Act. The compliance/non compliance of section 50 of the NDPS Act is a matter of trial which is underway and in this regard it would be pertinent to note for the purposes of the present application and the satisfaction called for to be recorded under the statute that as per the contents of the seizure memo the accused himself had produced one polythene bag containing the contraband after taking the same out from the right hand side pocket of his wearing trousers before the personal search of the accused was undertaken by the empowered officer. It would therefore be required to be ascertained in the peculiar facts and circumstances of the case as to whether there has been any violation of the procedural safeguard envisaged under section 50 of the Act in this case or not upon a sifting and sorting of the entire evidence lead by the prosecution. The accused-applicant is alleged to be a hardened criminal habitually involved in drug trafficking with three previous convictions against him. The twin requirements of section 37 of the Act are therefore not satisfied in the present case as there is no such material before this court to come to a conclusion that the accused-applicant has not committed the offence and if released on bail is not likely to commit offences of similar nature. The co-accused Nazim who is the brother of the accused-applicant has been granted bail however there is no parity between the case of the prosecution against the accused-applicant and that of the co-accused for the reason that the recovery alleged against the co-accused was not of commercial quantity and the co-accused had no previous

Nazim

Parnamand & Anr. (2014) 5 SCC 345; **Union of India v. Shah Alam** (2009) 16 SCC 644 and **Akhilesh Bharti v. State**, B. A. No. 973/2019 decided on 20.01.2020 by Hon'ble High Court of Delhi.

Ld. Addl. PP submits that the case pertains to recovery of commercial quantity of the contraband i.e. 270 grams of heroin from the accused-applicant and therefore rigors of Section 37 of the Act are to be satisfied. That accused-applicant does not have clean antecedents and he has been convicted in three criminal cases under NDPS Act i.e. FIR No. 43/2002 PS Crime Branch under Section 21 NDPS Act, FIR No. 87/2006 PS Crime Branch under Section 21 NDPS Act and FIR No. 100/2010 PS Crime Branch under Section 21 NDPS Act.

Heard. Perused.

It is the case of the prosecution that a raiding party headed by ASI Om Prakash acting on a secret information on 01.06.2018, laid a trap near Pantoon Pul, Yamuna River towards Majnu Tila, Delhi and intercepted the Maruti Eeco Car of the accused as per information received and apprehended accused Asif and Nazim and after compliance of mandatory provisions of NDPS Act, seized heroin kept in two polythene bags, and during proceedings at the spot the accused Asif and Nazim had produced two polythene bags, which were checked with the help of field testing kit and found containing heroin and the weight of the polythene bags recovered from Asif and Nazim was found to be 270 Grams & 250 Grams respectively. The polythene produced by accused Arif, kept in his conscious possession, is alleged to have been found containing 270 gms of

Neelofar

**FIR No. 149/2018
PS Crime Branch
State v. Asif Khan
U/s 21/25/29 NDPS**

15.09.2020

ORDER

This is third application under Section 439 CrPC for grant of bail on behalf of accused Asif Khan in case FIR No. 149/2018.

Ld. counsel for the accused-applicant has contended that accused has been falsely implicated in the present case and that nothing incriminating has been recovered from the accused-applicant. That the accused is in JC in connection with the present case since 01.06.2018. That the last regular bail application was dismissed without considering the vital aspect of non compliance of section 50 of the NDPS Act. That it is clear from the record that personal search of the accused is effected in violation of the mandatory provision of section 50 of the Act and therefore the alleged recovery itself is vitiated as the accused is not produced before either a Gazetted Officer or Magistrate at the time of his personal search. That no independent witness was joined in the investigation. That co-accused has already been granted bail. That accused-applicant is the only bread earner for his family and due to covid-19 pandemic, family of the accused-applicant is on the verge of starvation. Ld. counsel has relied upon decisions in **State of Punjab v. Baldev Singh** (1999) 6 SCC 172; **Dilip and Anr. v. State of M. P.** (2007) 1 SCC 450; **Vijaysinhchandubha Jadeja v. State of Gujarat** (2011) 1 SCC 609; **State of Rajasthan v.**

Neel Kumar