

State Vs Mike
FIR No. 31/2015
Under Section 21 NDPS Act
PS Crime Branch

18.12.2020

Present: Ld. Addl. PP for State with IO.
Ld. Counsel for accused/applicant.

Heard. Perused.

IO has filed supplementary charge sheet under Section 174-A IPC.

The same be annexed with the main charge sheet.
I take cognizance of the said offence.

Copy of supplementary charge sheet has been supplied to Ld. Counsel for accused/applicant.

Arguments on bail application filed on behalf of accused/applicant heard.

Ld. Counsel for accused/applicant submits that accused/applicant was arrested by police on 12.03.2015 and he was granted bail vide order dated 29.07.2016. It is further submitted that present case is pertaining to recovery of intermediate quantity of contraband i.e. cocaine and hence bar of Section 37 of NDPS Act is not applicable in this case. It is further submitted that sister of accused/applicant had expired recently i.e. on 15.05.2020.

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Accused/applicant was declared PO vide order dated 31.05.2018 as he could not appear before court as he was suffering from some serious ailment.

On the other hand, Ld. Addl. PP has strongly opposed the present bail application on the ground that accused/applicant is a foreigner and he has already misused the liberty granted to him. Accused/applicant had not surrendered himself but was apprehended/arrested in an another case of similar nature.

I have duly considered the rival submissions. I have perused the record carefully.

As per prosecution case, accused/applicant was arrested on 12.03.2015 and 40 grams of cocaine i.e. intermediate quantity was recovered from his possession. Accused/applicant was granted bail vide order dated 19.07.2016 by my Ld. Predecessor. Accused/applicant failed to appear in court and consequently he was declared PO vide order dated 31.05.2018. Thereafter, accused/applicant was arrested in a case vide FIR No. 38/2019 under Section 20 NDPS Act PS Anand Vihar Railway Station. IO of the case re-arrested accused/applicant in this case on 06.10.2020 (in jail, after permission from court).

Accused/applicant has failed to furnish any convincing reason for his non-appearance in court in this case since the year 2018. Accused/applicant misused the liberty of bail granted to him by

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Ld. Predecessor of this court and he was declared proclaimed offender in this case. While accused/applicant was on bail/out of prison, he again indulged in similar activities and was arrested in another case i.e. vide FIR No. 38/2019 under Section 20 NDPS Act PS Anand Vihar Railway Station.

Keeping in view the totality of facts and circumstances, I find no merits in the application filed by accused/applicant for grant of bail. The same is hereby dismissed and disposed of accordingly.

Copy of order be given dasti to counsel for accused/applicant.

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(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.12.2020

State Vs. Shadab @ Salman
FIR No. 300/2018
under Section 392/397/34 IPC
PS Kashmere Gate

18.12.2020

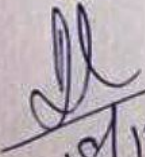
Present: Ld. Addl. PP for State.
Sh. Ayub Ahmed Qureshi, Ld. Counsel for
accused/applicant.

Present application has been filed on behalf of
accused/applicant named above for grant of regular bail.

Arguments heard. Record perused.

Ld. Counsel for accused/applicant submits that
accused/applicant has been falsely implicated in this case. It is further
submitted that accused/applicant was arrested on 29.10.2018 and he is in
custody since then. Investigation of the case has already been completed,
charge-sheet has been filed, charge has been framed and even statement
of public witnesses/victims has been recorded in Court. It is further
submitted that conclusion of trial is likely to take time. Accused/applicant is
ready and willing to furnish sound surety to the satisfaction of this court.

On the other hand, Ld. Addl. PP for State has strongly opposed
the application in hand. Ld. Addl. PP for State argued that all three public
witnesses i.e. PW-2, PW-3 as well as PW-4 had correctly identified the
accused/applicant in Court. Accused/applicant was armed with a pistol and
the offence in question was committed in broad day light. Accused/applicant
is a habitual offender and as many as 35 cases were registered against him.


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State Vs. Shadab @ Salman FIR No. 300/2018

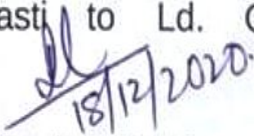
It is further argued that out of said 35 cases, 13 cases are under Section 397 IPC. Ld. Addl. PP for State further argued that accused will again commit same offences if released on bail as he is a desperate criminal and the said 35 cases/offences were committed by him within a span of four years.

I have duly considered the rival submissions. I have perused the record carefully.

Perusal of record shows that complainants/victims were robbed on gun point at 08.00 AM on 23.09.2018 of one gold kada, gold chain and gold ring at Mori Gate Red Light, Kashmere Gate, Delhi. Accused/applicant was apprehended on 29.10.2018. Statement of TSR Driver as well as two witnesses/victims have already been recorded in Court. The TSR driver as well as two witnesses/victims have correctly identified the accused/applicant in Court and have supported the prosecution version. Accused/applicant is a habitual offender and previously also, he was involved in as many as 35 cases of similar nature.

Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.

Copy of order be given dasti to Ld. Counsel for accused/applicant as requested.


(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.12.2020

State Vs Saroj Subudhi

FIR No. 155/2017

15.05.2009 by Hon'ble Supreme Court of India;

(2) Abdul Rashid Ibrahim Mansuri Vs State of Gujrat: Crl A. No. 78 of 1992 decided on 01.02.2000 by Hon'ble Supreme Court of India;

(3) Kamaljeet Singh Vs. Sh H.K. Pandey (Intelligence Officer, NCB) Bail Application No. 2338 of 2004 decided on 04.03.2005 by Hon'ble High Court of Delhi.

On the other hand, Ld. Addl. PP for State has strongly opposed the present application.

I have duly considered the rival submissions. I have perused the record carefully.

As per prosecution case, 243 kg Ganja i.e. commercial quantity was recovered from the possession/at the instance of accused/applicant. Accused/applicant was apprehended at the spot itself.

Section 37 of NDPS Act postulates that no person accused of an offence punishable under section 19 or 24 or 27A or offences involving commercial quantity shall be released on bail till the court is satisfied that there are reasonable grounds for believing that accused is not guilty of such offence and he is not likely to commit any offence while on bail.

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State Vs Saroj Subudhi

FIR No. 155/2017

In the present case, commercial quantity of contraband i.e. **243 kg Ganja** was recovered from the possession of accused/applicant. The facts and circumstances of present case are totally different from the facts and circumstances of the cases upon which reliance has been placed by Ld. Counsel for accused/applicant and hence those cases/judgments have no applicability to the facts and circumstances of present case. Trial of the present case is at very initial stages.

Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.

Copy of order be given dasti as requested.



(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.12.2020

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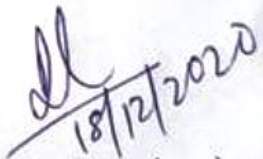
State Vs Annu Kumar FIR No. 128/2019

perused the record carefully.

Perusal of record shows that the trial of present case is at very initial stages and no witness has been completely examined in this case. Examination-in-chief of PW-1 was partly recorded on 05.12.2019 and the same was deferred for want of case property. Statement of public witness/eye witness namely Shiva is yet to be recorded in Court. As per prosecution case, accused/applicant had beaten one boy aged about 25 years to death. Accused/applicant was apprehended/arrested at the spot itself.

Allegations against accused/applicant are of very serious nature. Trial of the present case is at very initial stages and statement of public witnesses/ eye witnesses is yet to be recorded in Court. Chances of tempering with the evidence/witnesses and possibility of fleeing away from the process of law cannot be ruled out at this stage, more particularly, in view of the fact that accused/applicant is a vagabond.

Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.


18/12/2020
(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.12.2020

State Vs Saroj Subudhi
FIR No. 155/2017
under Section 20 NDPS Act
PS Crime Branch

18.12.2020

Present: Ld. Addl. PP for State.
Ld. Counsel for accused/applicant.

Present application has been filed on behalf of accused/applicant named above for grant of regular bail.

Ld. Counsel for accused/applicant argued that accused/applicant was arrested on 06.09.2017 and he is in JC since then i.e. for the last more than three years. Nothing was recovered from the possession of accused/applicant and the alleged recovery was planted upon him. Accused/applicant was not in conscious possession of contraband in question and hence bar of section 37 NDPS Act is not applicable against him. It is further submitted that charge against accused/applicant was framed on 25.04.2018 and since then only 3-4 witnesses have been examined till date and hence conclusion of trial is likely to take time. Ld. Counsel for accused/applicant has relied upon following judgments:-

(1) Virender Kumar Yadav Vs C.B.I: Criminal Appeal No. 1087 of 2009 (Arising out of SLP (Criminal) No. 2699 of 2009) decided on

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State Vs Annu Kumar
FIR No. 128/2019
under section 302 IPC
PS Timar Pur

18.12.2020

Present: Ld. Addl. PP for State.
Sh. Sachin Kumar Jain, Ld. LAC for accused/applicant.

Present application has been filed on behalf of accused/applicant named above for grant of regular bail.

ld. Counsel for accused/applicant submits that accused/applicant was arrested on 23.07.2019 and he is in custody since then. Accused/applicant was falsely implicated in this case and nothing has been recovered from the possession of accused/applicant. The whole prosecution story is full of lacunas and it fails to inspire confidence. The alleged eye witnesses were planted later on and their statement under Section 161 Cr.P.C. is of no help for prosecution. It is further submitted that even if for the sake of arguments, whole prosecution story is believed to be true and correct even then accused/applicant cannot be convicted in this case.

On the other hand, Ld. Addl. PP for State has strongly opposed the present application.

I have duly considered the rival submissions. I have

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