

State Vs. Wazid
FIR No. 97/2019
under Section 392/397/411/34 IPC and Section 25/27 Arms Act
PS Lahori Gate

18.08.2020.

Present: Ld. Addl. PP for State.
Ld. Counsel for accused/applicant (through V/C).

Heard. File perused.

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 is in custody since 14.06.2019. Investigation of the case has been completed, chargesheet has been filed, charge has been framed and even statement of complainant/victim has been recorded in Court. Accused/applicant is having absolutely clean antecedents and he is a young boy aged about 20 years. No useful purpose will be served by keeping accused/applicant in jail.

On the other hand, Ld. Addl. PP for State has strongly opposed the present application on the ground that offence in question is of very serious nature and trial of the case is at very initial stages.

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

As per prosecution case, accused/applicant alongwith co-accused had robbed the complainant/victim of his bag containing

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State Vs. Wazid

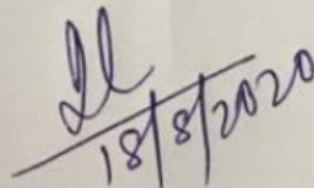
FIR No. 97/2019

Rs.1,30,000/-. Accused/applicant as well as co-accused were apprehended at the spot itself soon after commission of the offence. One revolver was recovered from the possession of co-accused namely Salman and the said bag containing cash was recovered from possession of present accused/applicant.

Perusal of record shows that complainant/victim has supported the prosecution case in his testimony recorded in Court and has correctly identified both the accused persons.

Allegations against accused/applicant are of very serious nature. The statement of other material witnesses is yet to be recorded in Court. Chances of tempering with the evidence/witnesses and fleeing away from the process of law cannot be ruled out at this stage.

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.



(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs Vijay Dubey

FIR No: 218/2018

under Section 22/29 NDPS Act r/w Section 63/65 Copyright Act

PS: Crime Branch

18.08.2020

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant (physically present).

Heard. Perused.

Present application has been filed on behalf of accused/applicant named above i.e. Vijay Dubey for grant of interim bail for a period of one month.

Report has been received from IO through e-mail.

Ld. Counsel for accused/applicant submits that father of accused/applicant had expired on 12.04.2020. It is further submitted that the ashes of late father are yet to be immersed in Ganga river and presently the ashes/Asthi Kalash is hanging on a tree as suggested by relative/neighbours. It is further submitted that the late father of accused/applicant had expressed his last desire that his ashes be immersed by his both sons. Ld. Counsel has further submitted that accused/applicant will not press for extension of interim bail on any ground whatsoever.

Factum of death of father of accused/applicant has been verified by the IO concerned.

Keeping in view of the totality of facts and circumstances, accused/applicant is admitted to interim bail for a period of 15 days on

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18/8/2020

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his furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of this court. Accused/applicant shall surrender before concerned Jail Supdt on expiry of period of interim bail without fail.

Application stands disposed of accordingly.

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


18/8/2020

(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

Received Dasti Copy

— Vinay Kumar

(ADVOCATE)

18/8/20

State Vs Kulwant Singh

FIR No: 83/2016

under Section 20/25/29 NDPS Act and Section 3/181 Motor Vehicle Act

PS: Crime Branch

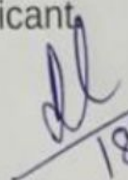
18.08.2020

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant (through V/C).

Heard. Perused.

Application in hand is hereby disposed of as withdrawn as requested by Ld. Counsel for accused/applicant.


18/8/2020

(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs. Ara Magan
FIR No. 168/2016
under Section 20 NPDS Act
PS Crime Branch

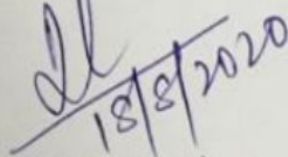
18.08.2020.

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant **(through V/C)**.

Heard. Perused.

Report be called from IO/SHO Concerned qua present
application for **22.08.2020**.



(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs Vinod alias Neetu
FIR No: 1010/2015
under Section 365/395/419/412 IPC
PS: Kotwali
18.08.2020

Present: Ld. Addl. PP for State.
Ld. Counsel for accused/applicant. (Physically present).

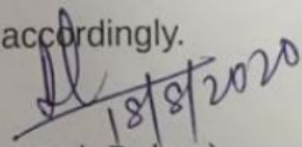
Present application has been filed on behalf of accused/applicant named above for grant of regular bail.

Arguments on said application heard. Record perused.

Perusal of record shows that accused/applicant was arrested on 11.11.2015 and he is in custody since then i.e. for the last about 05 years. Perusal of record further shows that two co-accused persons namely Nihaluddin and Naveen were granted bail by this court vide order dated 03.02.2020. Perusal of record further shows that the other three co-accused persons namely Rajesh, Sunil and Raj Kumar were granted bail by my Ld. Predecessor(s) vide order dated 03.12.2019 and 20.11.2015.

Keeping in view of the totality of facts and circumstances, accused/applicant is admitted to court bail on his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of this court.

Application stands disposed of accordingly.


(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs. Manish Thakur
FIR No. 189/2019
under Section 20 NPDS Act
PS I P Estate

18.08.2020.

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant (through V/C).

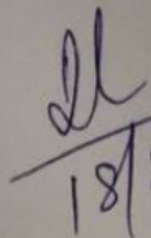
Heard. File perused.

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 is in custody since 07.08.2019 i.e. for the last more than one year. Investigation of the case has been completed, chargesheet has been filed and even charge has been framed. Accused/applicant is having absolutely clean antecedents and he is a young boy aged about 30 years. No useful purpose will be served by keeping accused/applicant in jail. It is further submitted that intermediate quantity of 'Ganja' has been allegedly recovered from the possession of accused/applicant and hence bar of Section 37 of NDPS Act is not applicable in this case.

On the other hand, Ld. Addl. PP for State has strongly opposed the present application on the ground that offence in question is of very serious nature and trial of the case is at very initial stages. It is fairly conceded that intermediate quantity of 'Ganja' is involved in

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18/8/2020

-2-

State Vs. Manish Thakur

FIR No. 189/2019

this case as the same is less than 20 kg.

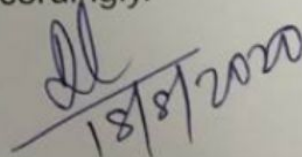
I have duly considered the rival submissions. I have perused the record carefully.

As per prosecution case, **15 kg and 300 gms 'Ganja'** was recovered from the possession of accused/applicant.

The said quantity is not commercial quantity and the same is intermediate quantity. No previous conviction/involvement has been alleged against accused/applicant. Accused/applicant is in custody since 07.08.2019 i.e. for the last more than one year. Conclusion of trial is likely to take time. All witnesses in the present case are police officials and chances of tempering with the evidence/witnesses are very less.

Keeping in view the aforesaid facts and circumstances, ***accused/applicant is hereby admitted to Court Bail on his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the said satisfaction of this court.***

Application stand disposed of accordingly.


18/8/2020

(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs. Chidbure
FIR No. 612/2014
under Section 20/61/85 NDPS Act
r/w Section 174-A IPC r/w Section 14 of Foreigners Act
PS NDRS

18.08.2020.

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant (through V/C).

Heard. Perused.

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 initially arrested on 12.12.2014 and he was granted bail by Ld. Predecessor of this Court vide order dated 04.07.2016. Ld. Counsel further argued that due to reasons mentioned in para 9 of present application, accused/applicant could not appear before this Court and he was declared PO on 16.11.2017. Accused/applicant was against arrested on 24.07.2019 and he is in custody since then. Accused/applicant has been falsely implicated in this case and the contraband allegedly recovered from his possession was in fact planted upon him. The quantity of contraband in question is not commercial and the same is intermediate and hence accused/applicant be granted bail. Ld. Counsel has also relied upon a case/order dated 17.06.2020 passed by Hon'ble High Court of Delhi in

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18/8/2020

-2-

State Vs. Chidbure

FIR No. 612/2014

Bail Application No. 193/2020 titled as Mohd. Biyas Vs. NCB.

On the other hand, Ld. Addl. PP for State has strongly opposed the present application on the ground that offence in question is of very serious nature and accused/applicant has already misused the liberty granted to him earlier.

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

As per prosecution case, **10kg 'Ganja' i.e. intermediate quantity** was recovered from the possession of accused/applicant. Accused/applicant was illegally staying in India and hence offence punishable under **Section 14 of Foreigners Act** was also invoked against him.

Perusal of record shows that accused/applicant was initially arrested on 12.12.2014. Accused/applicant was granted bail vide order dated 02.07.2016. Thereafter, accused/applicant stopped attending the Court and consequently, he was declared PO vide order dated 16.11.2017. Accused/applicant was rearrested on 31.07.2019 and he in custody since then.

Admittedly, intermediate quantity of Ganja was allegedly recovered from the possession of accused/applicant and keeping in view the said fact, accused/applicant was granted bail vide order dated

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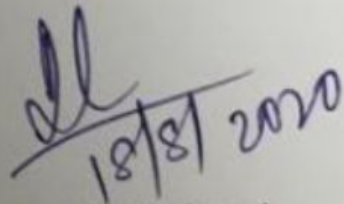
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18/8/2020

State Vs. Chidbure

FIR No. 612/2014

2016. However, accused/applicant misused the said liberty
ed to him and stopped appearing in Court and hence he was
red proclaimed offender. Accused/applicant never attempted to
ar before this Court for trial till he was rearrested in this case.
sed/applicant is a foreign national. The trial of the case is almost
lete as almost all the witnesses have already been examined.
acts and circumstances of present case are totally different from
acts and circumstances of aforesaid case upon which reliance has
placed by Ld. Counsel for accused/applicant.

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



(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs Deepak alias Bhanja

FIR No: 15/2015

**under Section under Section 397/367/348/411/34 IPC and Section
25/27 Arms Act**

PS: Maurice Nagar

18.08.2020

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant (through V/C).

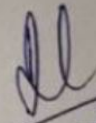
Heard. Perused.

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

Arguments on said application heard. Record perused.

Perusal of record shows that accused/applicant was arrested on 20.09.2017. Offence in question was committed on 17.01.2015. Investigation of case has been completed and charge-sheet has been filed. Charge for offence punishable under Section 367/394/34 IPC was framed against accused/applicant on 18.12.2017. Statement of complainant/victim i.e. Manish Mittal has been recorded in court once. Co-accused namely Naveen alias Bhanja was granted bail by this court vide order dated 27.02.2020. The maximum punishment for offence punishable under Section 367 IPC is 10 years and the offence punishable under Section 394 IPC is triable by the court of a Magistrate.

Keeping in view of the totality of facts and circumstances, accused/applicant is admitted to court bail on his furnishing personal


18/8/2020

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bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of this court.

Application stands disposed of accordingly.

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18/8/2020

(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs. Afroz Alam

FIR No. 218/2018

under Section 22/29 NDPS Act & Section 63/65 Copyright Act
PS Crime Branch

18.08.2020.

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant **(physically present)**.

Accused/applicant is also present in person **(on interim bail till 31.08.2020 granted by Hon'ble High Court of Delhi vide order dated 29.07.2020)**.

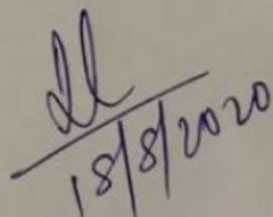
Present application has been filed on behalf of accused/applicant named above for grant of regular bail.

Further arguments on the point of maintainability of present application as well as arguments on merits heard. Record perused.

On the point of maintainability of present application, Ld. Counsel for accused/applicant has relied upon following judgments:-

1. **Niranjan Singh & Anr. vs. Prabhakar Rajaram Kharote & Ors.: (1980) 2 SCC 559;**
2. **Ram Manohar Lohia & Ors. Vs. State of U P & Ors. : 1967 SCC Online All 31;**
3. **Sukhwant Singh Vs State of Punjab (2009) 7 SCC 559;**
4. **Mukesh Kishanpuria Vs. State of W.B.: (2010) 15 SCC 154.**

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18/8/2020

-5-

State Vs. Afroz Alam
FIR No. 218/2018

Copyright Act etc.

I have duly considered the rival submissions. I have perused the record carefully. I have also gone through the aforesaid judgments upon which reliance has been placed by Ld. Counsel for accused /applicant.

As per prosecution case, following contraband/articles were recovered from the possession of accused persons:-

1. 46,656 Capsules of Spasmo Proxyvon plus containing 50 mg each (Tramadol Hydrochloride) i.e. 2332.8 gm;
2. 40 Cartoon boxes of infringing packaging material of WOCKHARDT;
3. 1200 infringing empty boxes of Spasmo Proxyvon plus;
4. 9000 copies of infringing literature of WOCKHARDT;
5. 18000 Nrx Buprenorphine injection containing 0.3 mg each Hydrochloride Buprenorphine i.e. total weight 10.8 gm;
6. 1,50,000 Nrx Buprenorphine injection containing 0.3 mg each Hydrochloride Buprenorphine i.e. total weight 90 gm.

Section 29 of NDPS Act postulates that whoever abets, or is a party to a criminal conspiracy to commit an offence punishable under this Chapter, shall, whether such offence be or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section

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18/8/2020

State Vs. Afroz Alam

FIR No. 218/2018

under Section 22/29 NDPS Act & Section 63/65 Copyright Act
PS Crime Branch

18.08.2020.

Present: Ld. Addl. PP for State.

Ld. Counsel for accused/applicant **(physically present)**.

Accused/applicant is also present in person **(on interim bail till 31.08.2020 granted by Hon'ble High Court of Delhi vide order dated 29.07.2020)**.

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

Further arguments on the point of maintainability of present application as well as arguments on merits heard. Record perused.

On the point of maintainability of present application, Ld. Counsel for accused/applicant has relied upon following judgments:-

1. Niranjan Singh & Anr. vs. Prabhakar Rajaram

Kharote & Ors.: (1980) 2 SCC 559;

2. Ram Manohar Lohia & Ors. Vs. State of U P & Ors. :

1967 SCC Online All 31;

3. Sukhwant Singh Vs State of Punjab

(2009) 7 SCC 559;

4. Mukesh Kishanpuria Vs. State of W.B.: (2010) 15

SCC 154.

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18/8/2020

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State Vs. Afroz Alam
FIR No. 218/2018

Keeping in view the aforesaid judgments, I am of the considered view that present application is maintainable before this Court at this stage.

On merits, Ld. Counsel for accused/applicant urged that accused/applicant was arrested on 24.09.2018. Accused/applicant has been granted interim bail thrice and it is a matter of record that accused/applicant never misused the liberty granted to him. Charge for offence punishable under Section 29 r/w Section 22 NDPS Act only has been framed against accused/applicant. Bar of Section 37 of NDPS Act is not applicable qua present accused/applicant as no commercial quantity of contraband etc has been recovered from the possession of accused/applicant. The only material/evidence available against accused/applicant on record is his own disclosure/confessional statement. The said statement was obtained under force/duress while accused/applicant was in police custody. Ld. Counsel has also filed MLC of accused/applicant dated 27.09.2018 wherein it is mentioned that accused/applicant is having some bruises. No public witness was joined at the time of alleged recovery and this fact also makes prosecution case unreliable/untrustworthy. Even otherwise, the recovery alleged affected from the possession of/at the instance of accused/applicant has no connection/concern with NDPS Act.

Ld. Counsel for accused/applicant further argued that there

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-7-

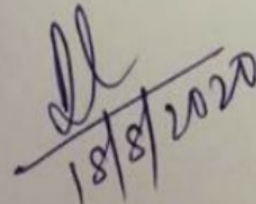
State Vs. Afroz Alam

FIR No. 218/2018

which may extend to 20 years and with fine.

Allegations against accused/applicant are of very serious nature. Trial of the case is at very initial stages. At this stage, there are no reasonable grounds for believing that the accused/applicant is not guilty of such offence and that he is not likely to commit any offence while on bail. It is reiterated that accused/applicant was previously also involved in two other cases. The facts and circumstances of the present case are different from the facts and circumstances of the aforesaid cases upon which reliance has been placed by Ld. Counsel for accused/applicant.

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. However, nothing stated hereinabove shall tantamount to expression of final opinion on the merits of present case. **Accused/applicant shall surrender before concerned Jail Superintendent on expiry of period of interim bail in terms of order dated 29.07.2020 passed by Hon'ble High Court of Delhi.**



(Deepak Dabas)
ASJ/Special Judge, NDPS
(Central) Tis Hazari Courts
Delhi/18.08.2020

State Vs. Afroz Alam
FIR No. 218/2018

116 of the Indian Penal Code (45 of 1860), be punishable with the punishment provided for the offence.

Section 29 of NDPS Act falls within Chapter IV of said Act. Chapter IV of said Act deals with offences and penalties.

Section 37 of NDPS Act postulates that no person accused of an offence punishable under Section 19 or Section 24 or Section 27A and for offences involving commercial quantity shall be released on bail unless the public prosecutor has been given an opportunity to oppose such application. It further postulates that where the public prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

In the present case, commercial quantity of contraband has been recovered from the possession of some of the accused persons. However, charge for offence punishable under Section 29 of NDPS Act has been framed against all the accused persons. Since, charge for offence punishable under Section 29 of NDPS Act has been framed against all the accused persons, all accused persons are liable for punishment provided for the main offence. The main offence in this case is **Section 22 (c) of NDPS Act** and the said offence is punishable with RI for a term which shall not be less than 10 years but

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18/8/2020

State Vs. Afroz Alam
FIR No. 218/2018

5. S. Arul Raja Vs. State of T.N. (2010) 8 SCC 233
10. Jehangir Marazban Patel vs. State of Gujarat 2003 SCC Online Guj 83;
6. Bholu Singh Vs. State of Punjab : (2011) 11 SCC 653.
7. Prabhakar Tewari Vs. State of U.P. & Anr. 2020 SCC Online SC 75;
8. Maulana Mohammed Amir Rashadi Vs. State of U.P. (2012) 2 SCC 382.

On the other hand, Ld. Addl. PP for State has strongly opposed the present application on the ground that offence in question is of very serious nature and trial of the case is at very initial stages. Ld. Addl. PP for State further argued that in the present case, a commercial quantity of contraband has been recovered from the possession of accused persons. Accused persons were carrying out their illegal activities in furtherance of their criminal conspiracy and offence charge for offence punishable under Section 29 of NDPS Act has been framed against accused/applicant. It is further argued that accused/applicant is a habitual offender and previously also, he was involved in two more cases i.e. vide FIR No. 62 of 2005 u/s 420 IPC r/w Section 62/63 Copyright Act etc PS Special Cell and Case Vide FIR no. 186/2011 u/s 18/27 Drugs & Cosmetics Act r/w Section 63

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21/8/2020

State Vs. Afroz Alam
FIR No. 218/2018

are glaring contradictions in the statement of police officials as well as the documents prepared during investigation of this case. Firstly, accused/applicant was arrested on 24.09.2018 whereas his account was freezed on 05.09.2018 i.e. even before his arrest. The search warrant is dated 15.09.2018. Ld. Counsel has also drawn attention of this court towards statement of ASI Mahesh Kumar dated 25.09.2018 and also remand application of accused/applicant. Ld. Counsel has also drawn attention of this Court towards recovery memo dated 30.08.2018.

Ld. Counsel further argued that in the present case there is no compliance of mandatory provisions of NDPS Act i.e. Section 57 as well as other provisions as no special report regarding recovery from accused/applicant was sent to superior officials. Ld. Counsel has also relied upon following cases:-

1. **Sujit Tiwari Vs. State of Gujarat & Anr.: 2020 SCC Online SC 84**
2. **Mohd Fasrin Vs. State : (2019) 8 SCC 811;**
3. **Noor Aga vs. State of Punjab: (2008) 16 SCC 417**
4. **Hanif Khan @ Annu Khan Vs. Central Bureau of Narcotics through Inspector L P Ojha Civil Appeal No. 1206/2013 decided on 20.08.2019 by Ho'ble Supreme Court of India.**

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18/8/2020