

B.A.No. 203/2021
FIR No.307/2021
PS Kashmere Gate
State v. Naved
U/s 22 NDPS Act

16.07.2021

Fresh application received. Be registered.

Present: Sh. K.P. Singh, Ld Addl. PP for State through
videoconferencing.

Sh. Arvind Kumar, Ld. Counsel for accused-applicant
through video conferencing.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of
regular bail on behalf of accused-applicant Naved in case FIR No.
307/2021.

Arguments heard. For orders, put up at 4 pm.

Copy of order be forwarded to Ld.Counsel for accused-
applicant through electronic mode.



(Neelofer Abida Perveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC / Delhi
16.07.2021

At 4 pm.
ORDER

This is an application u/s 439 Cr.P.C. for grant of
regular bail on behalf of accused-applicant Naved in case FIR No.

307/2021.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case, and has nothing to do with the present offence. That he has been falsely implicated on the disclosure statement of the co-accused on 03.06.2021. That accused-applicant is not named in the FIR. That it is alleged against him that he had booked the OLA Car and the statement of the driver has been recorded to this effect. That the driver of the OLA Car from which the controlled substance is recovered has been made a witness whereas he should have been implicated as an accused and the accused-applicant has been roped in without any basis. That no incriminating material has been unearthed till date against the accused-applicant except for the statement of the OLA Car driver who should have been made the prime accused. That no purpose would be served by keeping the accused-applicant in custody. Ld. counsel has relied upon decision in **Sanjay Chandra v. CBI** AIR 2012 SC 830 and **Court on its Own Motion v CBI** 2004 (1) JCC 308 (Delhi).

Ld. Addl. PP has submitted that accused Naved has actively involved in the said offence as he has handed over the said illicit medicine Tramadol tablets to his associates. Accused Naved was correctly identified by the public witness/Cab driver and was also arrested at his instance. Accused arranged a cab to carry

the said illicit medicine, that could be sent finally to Punjab. That a sum of Rs.14800/- were recovered from the possession of the accused Gaurav who disclosed that this money was a part of the amount that he received from accused applicant Naved@Navin in the transaction of the illicit medicines, recovered in the present case. That investigation is still going on regarding many aspects of tracing the trail of the illicit tablets. That it is an inter state drug racket being operated and is affecting society at large so offence committed by the accused and his associates are very grievous in nature. That investigation is pending and chargesheet is yet to be filed.

Heard.

Case of the prosecution is that on 02.06.2021 during patrolling duty SI Deepak, No. D/4545 and ASI Ravinder, No. 294/N checked a taxi car Ertiga Color-White No. HR74A4946 which was stopped at picket near GPO, Kashmere Gate Delhi. During checking of the said taxi, three passengers were found sitting in the said car on its rear seat, who seemed frightened due to the police checking, arousing suspicion at which the said taxi and passengers were checked properly and the all three persons were found carrying illicit Tramadol Hydrochloride Tablets RL-DOL100 SR Tablets in a bag, total 74 boxes each box containing 10 strips having 500 tablets and 5000 loose tablets (total 42000 Tablets). On enquiry, they could not produce any bill/document

regarding possession of huge quantity of tablets. Their names and addresses were disclosed as Bohad Singh, Sewak Singh and Vinod. Notice U/s 50 NDPS Act was served upon all three accused persons duly informing them about their legal rights. Drug Inspectors were also called on the spot, who ensured and confirmed that these medicines are allowed to be bought through prescription only and these medicines are habit forming and psychotropic and cannot be taken without the prescription of doctor. All exhibits were taken into police possession through seizure memo and deposited in the Malkhana PS Kashmiri Gate. Subsequently, FIR No. 307/21 above noted was registered and investigation taken up.

During investigation, statement of cab driver was recorded who stated to have witnessed the booking of the said OLA cab by Naved (applicant/accused) and it is also stated by the said witness that the accused-applicant was carrying the said bag at the time of booking and boarding the cab. The three accused apprehended with the illicit tablets also disclosed that their associate Naved@naveen had handed over the said medicines to them and he also arranged a cab to carry the said illicit medicine, that could be sent finally to Punjab. Accused Naved was arrested at the instance of public witness/Cab driver Nisar. During further investigation accused Naved disclosed that he is doing this illegal sell-purchase of Tramadol tablets from last 01 year when he got in

contact with accused Bohad Singh and Sewak Singh and realized that there is huge demand of these tablets in black market, who disclosed that he buys these tablets from Gaurav, and subsequently accused Gaurav was arrested at the instance of the accused-applicant, and on Gaurav's instance sixth accused in the chain namely Narender who supplied these tablets without bill to Gaurav came to be apprehended. On the checking of records of Narender, who is a distributor of medicines, it was found that he is connected with Orison Pharma International, Kala Amb, Himachal Pradesh which produces these tablets. Reply regarding sale of the said batch of the above mentioned medicines was obtained from the said company and the company/firm which obtained/procured the said batch was searched as per the address/bills provided by the company (OPI), but the address was not found on ground. No such company which procured the batch as per records provided by the company OPI was found on ground.

Investigation is still going on regarding many aspects of tracing the trail of the illicit tablets. At this stage therefore as the investigation is underway, as there is a public witness affirming that the accused-applicant was initially in possession of the bag containing the illicit tablets and had booked the Ola cab for the transport of the same for the co-accused, it cannot be said that the accused-applicant is apprehended merely on the disclosure of co-accused and he has nothing to do with the recovered tramadol

tablets. There being sufficient material indicating active involvement of the accused-applicant in the illicit trading and transport of the substance, no ground is made out to grant regular bail to accused Naved in the present case and accordingly the present application stands dismissed,

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC / Delhi
16.07.2021