

FIR No. 214/17
PS : Crime Branch
State v. Gulshan Kumar etc.

15.03.2018

Present: Sh. Anil Kumar Pandey, Counsel for accused James Kumar **(in Bail Application No.102/18)**.

Sh.Wasi-Ur-Rehman, Addl. PP for the State.

Learned Counsel for accused submits that this is a case of recovery of only 300 grams of charas from the accused which does not fall in commercial category of the contraband and that challan having been presented in the court, accused-applicant James Kumar be released on bail.

Learned Addl. Public Prosecutor opposes the bail application on the ground that this is not a case of recovery of intermediate quantity of charas from the accused-applicant, as such accused-applicant is not entitled to bail.

As per prosecution version, when picket was held on the basis of secret information, Gulshan co-accused (non-applicant) was found present at the disclosed place i.e. near bus stop, DDU Hospital, Hari Nagar and James Kumar accused-applicant came to him (Gulshan), then both of them had conversation and then accused-applicant delivered one packet containing substance weighing one kilogram charas to co-accused Gulshan. James was also found in possession of additional quantity of 300 grams of charas.

In the given circumstances, when James Kumar delivered one kilogram of charas to Gulshan and was found carrying another quantity of 300 grams of charas, accused-applicant can safely be said to have kept in his possession commercial quantity of charas.

In the given situation, in view of bar of provisions u/s 37 of the Act, court does not find any ground to release the accused-applicant James Kumar on bail. Bail Application No.102/18 is dismissed accordingly.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.15.03.2018