

IA No. 2/2025 in SC No. 21/2025
State Vs Mohd. Anas
FIR No. 320/2024
PS Special Cell

09.06.2025

ORDER

1. Vide this order I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Mohd. Anas for grant of regular bail. Reply filed by the IO.
2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR, in which similar relief has been sought.
3. It is submitted by Ld. Counsel for applicant/accused that applicant/accused is in JC since 28.07.2024. The present applicant/accused has been falsely implicated in the present case and nothing incriminating was recovered from his possession or at his instance. He has already spent over 180 days in custody in the present case. The chargheet has been filed, however, the cognizance is yet to be taken, since the FSL report is still

awaited. Continued incarceration without cognizance is illegal and the applicant/accused must be released on bail on this ground itself.

4. It is further submitted by Ld. Counsel for applicant/accused that there has been non compliance of Sections 41,42,50,52-A,57 and other provisions of the NDPS Act.

5. It is further submitted by Ld. Counsel for applicant/accused that he has been falsely implicated in the present case and he was already arrested and thereafter, he was framed in the present case by the members of the Special Cell, Delhi Police. Furthermore, all the documents relied upon by the prosecution are fabricated and false documents. has not connection with the alleged contraband.

6. It is further submitted by Ld. Counsel for applicant/accused that the applicant/accused has absolutely clean antecedents and he is not involved in any other case in the past. He belongs to extremely poor background and he had no knowledge of the contents of the boxes. The applicant/accused was employed by co-accused Sonu Singh on a monthly remuneration of Rs 15,000/- and he was merely acting upon the instructions of his boss, without knowing or realizing as to the

contents of the boxes being supplied. There is no other incriminating material except for the disclosure statements and the same are not substantive pieces of evidence.

7. It is submitted by Ld. Counsel for applicant/accused that the applicant/accused is the sole earning member of the family and his entire family depends upon him for their survival. If he is not released on bail, then his entire family shall face towards destitution.

8. It is submitted by Ld. Counsel for applicant/accused that he is ready to abide with any condition that this court may impose upon him, if the present application is allowed and he is enlarged on regular bail.

9. Per contra, it is submitted by the Ld. Addl. PP for the State duly assisted by the IO that the present applicant/accused is involved in a heinous case, wherein from the joint possession of the applicant/accused and co-accused Nivesh Kumar, 08 cartons containing 153600 “Tramadol” capsules (128 Kg) were recovered. During the investigation, ample time was granted to the applicant/accused to produce the documents relating to the consignments, however, he could not provide any such document to explain his possession of the psychotropic substance or the

drug license in his name. During further investigation, when the applicant/accused was on PC remand, a raid was conducted at “Lucky Medical Store” and from the said place, 4656 “Tramadol” capsules, 1560 “Alprazolam” tablets and 692 bottles of “Codeine cough syrups” were recovered, the seized contraband was having the same batch number as that were recovered from the joint possession of the applicant/accused.

10. It is further submitted by the Ld. Addl. PP for the State that there are intercepted calls of the applicant/accused with co-accused Sonu Singh regarding the dealing of illegal consignment of the psychotropic substance. Furthermore, in CDR analysis it was found that the applicant/accused was in constant touch with co-accused Lovekesh Sindhi @ Lucky as well. Therefore, the State is strongly opposing the present application.

11. In rebuttal, it is submitted by Ld. Counsel for applicant/accused that the transcripts of the intercepted calls filed alongwith the chargesheet contains no mention of any psychotropic substance and it only pertains to consignment and money. The said calls and their transcripts are not incriminating in nature, since, it is not disputed that the applicant/accused used to work for the co-accused Sonu Singh.

12. I have carefully heard the submissions of both the sides and have gone through the records of the present case. The applicant/accused was caught red handed giving the instructions for the delivery of the contraband. Furthermore, there is recovery of further contraband, at his instance from the shop of co-accused Lovekesh Sindhi @ Lucky. The incriminating material qua the applicant/accused includes the statement of the public witness, i.e driver of the pick-up van recorded by the IO and the Ld. JMFC. There are transcripts of call recordings between the applicant/accused and co-accused Sonu Singh and also further CDR connectivity with other co-accused Lovekesh Sindhi @ Lucky. His voice sample was taken and the FSL result qua the voice recording is still awaited. The chargesheet has already been filed and the FSL result has also been received, wherein there is positive match of the contraband articles, seized from the joint possession of the applicant/accused. The Ld. Predecessor of this Court has already dismissed the bail applications of co-accused Amit Dubey and Balbir Singh Julka on merits. There is no ground made out by the applicant/accused for this Court to give a finding at this stage that there are no reasonable grounds for believing that he is not guilty of the offences in question or that he is not likely to commit any offence while on bail.

13. In view of the discussions in the preceding paragraphs, this

Court is not inclined to grant regular bail to the applicant/accused at this stage. The present application stands disposed off accordingly.

14. Needless to say nothing expressed herein shall have any bearing on the merits of the case.

15. Application is disposed off accordingly.

16. Copy of the present order be given dasti and same be also sent to concerned jail superintendent, to be supplied to the applicant/accused.

(ATUL AHLAWAT)
ASJ/ Special Judge, NDPS/N. Delhi
Delhi/09.06.2025