

**IN THE COURT OF ASJ/SPECIAL JUDGE/NDPS
PATIALA HOUSE COURTS, NEW DELHI**

Presided by: Atul Ahlawat, DHJS

IA No. 3/2025

SC No. 471/2023

FIR No. 168/2023

PS Spl Cell

State Vs. Visheshwar Yadav

04.07.2025

Present: Sh. K D Pachauri, Ld. Additional PP for the State.
Sh Tarun Rana and Sh M M Khan, Ld. Counsels for
applicant/accused.

Vide my separate order of even date, the present
application seeking grant of interim bail is hereby partly allowed.

Let the copy of this order and the substantive order
be given dasti to parties and same shall also be communicated to
accused/applicant through jail superintendent concerned.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
04.07.2025

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ORDER

1 Vide this order, I shall dispose off the present bail application u/s 483 BNSS, 2023 seeking grant of interim bail for a period of 03 weeks on the ground of attending the tehravi and other last rites and rituals of mother of accused/applicant.

2 It is submitted by Ld counsel for applicant/accused that there is no other application seeking similar relief is pending before the Hon'ble Supreme Court of India, Hon'ble High Court of Delhi or any other court.

3 It is submitted by Ld counsel for applicant/accused the applicant/accused is in JC since 23.06.2023 and he has never been released on interim bail. The present application is made on humanitarian grounds, since the mother of applicant/accused has expired on 28.06.2025 and the applicant/accused being the eldest son, has to perform the last rites and ceremonies during the tehravi which is scheduled to take place on 11.07.2025.

4 It is submitted by Ld counsel for applicant/accused that applicant/accused is ready to abide with any condition that this

court may impose upon him and is ready to furnish sound sureties.

5 The IO has filed the verification report and as per the said report, the factum of death of mother of applicant/accused was duly verified from the Gram Sarpanch of the village, where she was residing.

6 Per contra, it is submitted by Id Addl. PP for State, upon instructions received from the IO that the present application is strongly opposed, since the applicant/accused is a habitual offender and there are two other cases registered against him under the provisions of NDPS Act, 1985 at Rajasthan and Jharkhand. The co-accused was released on interim bail and he had jumped the said bail and even the accused/applicant can misuse the liberty granted to him and flee from the hands of justice. There is a recovery of commercial quantity of contraband and if released on bail, the presence of applicant/accused would be difficult to secure for the purpose of the trial.

7 After considering the rival contentions, this court is of considered view that the applicant/accused is involved in heinous case, wherein, the serious allegations have been levelled against him and there is a recovery of commercial quantity of contraband. Furthermore, there are other cases registered against him under the NDPS Act, 1985 and he does not have clean antecedents. The possibility of him fleeing from the hands of justice cannot be over looked, however, at the same time, the presence of applicant/accused at the tehravi of his mother, being

the eldest son can also not be ignored. Therefore, instead of releasing him on interim bail, in the interest of justice, he is hereby granted custody parole for a period of 06 hours, excluding the time to and fro to the native place for enabling him to attend the last rites of his mother, at the expenses of State. Therefore, the present application is hereby partly allowed.

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

9 The application is disposed off accordingly.

10 Copy of the order be given dasti as well as be sent to jail superintendent for compliance and information.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
04.07.2025