

SC No. 17/2020
State Vs. Mohneesh Javed Khan & Anr.
FIR No. 854/2019
PS: New Usman Pur

17.09.2020

Present: Sh. Yagvender Singh, Ld. Sub. Addl. PP for the State.
Sh. Tribind Kumar, Ld. Counsel for accused Shadab.
None for accused Mohnees Javed Khan.
SI Ravi Punia in person.

FSL report has been received. Copy of the same supplied to Ld. Counsel for the accused.

Bail application of accused Shadab is also listed for hearing for today. Reply of the bail application has been received through mail.

Submissions on the bail application heard.

The applicant is in custody in the present case since 19.11.2019. The applicant is seeking bail with submission that investigation is already complete and chargesheet has been filed and that there is reasonable ground that applicant will be acquitted after trial. It is submitted that from the bare perusal of chargehseet it can be drawn that procedure u/s. 50 NDPS Act were not properly followed by the police at the time of arresting the applicant who is 23 years old young boy having no previous antecedents. It is submitted that there is no chance of tampering the evidence and he is ready to submit himself to any condition which the court may impose to allay the fears of the prosecution of any kind of likely absence from trial. It is submitted that applicant undertakes that he shall not directly or indirectly induce, threat or promise to any person

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acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court. It is submitted that paramount consideration of bail is the availability of the applicant to face trial and in the instant case there could be no such apprehension about the applicant evading the trial as he is permanent resident of Delhi and associated with the jurisdiction of this court.

On the other hand, bail application is opposed with the submissions that the applicant was apprehended while traveling in a car being driven by co-accused and upon search of the car in the presence of ACP Seelampur, two bags were recovered from dicky of the car and two bags were recovered from back seat of the car which were found containing ganja. It is submitted that the weight of the ganja falls in the category of commercial quantity and there is every apprehension that if the applicant is released on bail, he will be involved in the similar offence. It is submitted that upon finding sufficient evidence against the applicant during the investigation, chargesheet has been filed against the applicant along with co-accused.

After hearing the submissions and perusing the record, where the search was carried out of the car in the presence of ACP Seelampur who is a Gazetted Officer and 60 kgs ganja was recovered, I have found that no ground to have suspicion on the case of the prosecution at this stage and to disbelieve the statement of the witnesses recorded during the investigation. The application is dismissed accordingly as no case is made for bail.

Copy of this order be sent to the parties.

Main file be put up on **20.10.2020** for arguments on charge.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East / Delhi 17.09.2020