

IA No. 17/2022  
SC No. 17/2020  
State vs. Mohnees Javed Khan  
FIR No. 854/2019  
PS: New Usmanpur

17.10.2022

Present: Sh. U.A. Khan, Ld. Counsel for the applicant  
/accused Mohnees Javed Khan.  
Sh. Sukhbeer Singh, Ld. Addl. PP for the State  
alongwith SI Vishal, on behalf of the IO.

The matter is fixed for hearing arguments on the application for grant of bail filed by the applicant/accused Mohnees Javed Khan.

I have heard Ld. Counsels for the parties.

The matter stands passed over till 4:00 PM for order on the bail application.

(PAWAN KUMAR MATTO)  
Special Judge (NDPS)/Addl. Sessions Judge  
North East/KKD Courts/Delhi/17.10.2022

**At 4:00 PM**  
**Present:** Sh. Shahrukh, Ld. Counsel for the applicant  
/accused Mohnees Javed Khan.  
Sh. Sukhbeer Singh, Ld. Addl. PP for the State

The matter was passed over till 4:00 PM for order on the said application for grant of bail filed by the applicant/accused Mohnees Javed Khan.

Vide my separate detailed order of even date, the said application has been **allowed**.

(PAWAN KUMAR MATTO)  
Special Judge (NDPS)/Addl. Sessions Judge  
North East/KKD Courts/Delhi/17.10.2022

IA No. 17/2022  
SC No. 17/2020  
State vs. Mohnees Javed Khan  
FIR No. 854/2019  
PS: New Usmanpur  
U/s: 20/29 of NDPS Act

17.10.2022

**ORDER ON THE APPLICATION UNDER SECTION 439  
Cr.P.C FOR GRANT OF BAIL FILED BY THE  
APPLICANT/ACCUSED MOHNEES JAVED KHAN**

1. This order of mine will dispose of the application under Section 439 of Cr.P.C for grant of bail filed by the applicant/accused Mohnees Javed Khan.
2. I have heard Ld. Counsels for the parties.
3. Ld. Counsel for the applicant/accused has submitted that this applicant/accused has been falsely implicated in the present case. He has further submitted that 60 kg Ganja is alleged to have been recovered from this accused, but, the applicant/accused has no concern with the said contraband. It is also submitted that co-accused has already been granted bail by the Ld. Predecessor of this court vide his order dated 03.07.2021 as the sampling of the contraband has not been done, as per provisions of law and prayed for grant of bail to this applicant/accused. Ld. Counsel for the applicant/accused has also relied upon the judgment passed by the Hon'ble High Court of Delhi in the case titled as *Ahmed Hassan Muhammed vs. The Customs 2021 (2) JCC 1187*.

4. On the other hand, Ld. Addl. PP for State has vehemently opposed this application and submitted that since 60 kg Ganja is recovered from the vehicle which was driven and owned by this accused, so, this accused does not deserve the concession of bail and prayed for dismissal the bail application of this applicant/accused.

5. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

6. The perusal of the record reveals that co-accused Shadaab Ansari has already been granted bail by the Ld. Predecessor of this court vide his order dated 03.07.2021 relying upon the judgment passed by the Hon'ble High Court of Delhi in the case titled as *Ahmed Hassan Muhammed vs. The Customs (supra)* and charges against both the accused have been framed under Section 20 (b)(ii)(C) of NDPS Act, as the 60 kg Ganja is alleged to have been recovered from the vehicle wherein this applicant and the co-accused were travelling. Since the co-accused has already been granted bail by the Ld. Predecessor of this court relying upon the judgment passed by the Hon'ble High Court of Delhi in the case titled as *Ahmed Hassan Muhammed vs. The Customs (supra)*, so, **this applicant/accused is also ordered to be released on bail on furnishing a Personal Bond in the sum of Rs. 50,000/- with one surety of the like amount and also subject to the condition**

that he will not indulge in any other criminal activity and in case he will indulge in any criminal activities, the prosecution will be at liberty to file the application for cancellation of bail against this applicant/accused.

In the above said terms, the application is disposed of.

**(PAWAN KUMAR MATTO)**  
**Addl. Sessions Judge (Special Judge NDPS)**  
**North East/KKD Courts/Delhi/17.10.2022**