

CNR No. DLNE01-000656-2022
SC No. 53/2022
State Vs. Furkan Ahmad & Ors.
FIR No. 760/2021
PS: New Usman Pur

14.03.2022

Present: Sh. R. K. Satyarthi, Ld. Addl. PP for the State.
All three accused produced from JC.
Sh. Mukesh Hooda, Ld. Counsel for accused Anuj
Kumar.

IO/SI Ravi Poonia in person.

FSL result by way of supplementary chargesheet is
filed. Same is taken on file.

Considering the final report with the FSL report, I
found that there are sufficient grounds to proceed further against
all three accused persons chargesheeted for the offence
punishable u/s. 20 NDPS Act. Copy of chargesheet as well as
supplementary chargesheet be supplied to the accused.

Submissions on the bail application of
applicant/accused Anuj Kumar are heard.

The applicant was apprehended by the police on
17.10.2021 as he was present in a car bearing registration no.
UP-80CC 7027 and from the search of the car, ganja like
material was recovered in two plastic bags kept in the dicky of
the car. The contraband is stated to be ganja and it was found
14.34 kg and 16.744 kg in both the bags respectively total
weighing 31.084 kg.

The applicant is praying for release on bail with the
submissions that he is a driver having his own car and used to
take bookings for Agra-Delhi-Agra. It is submitted that in the
intervening night of 16.10.2021-17.10.2021 around 9 pm, when
applicant was looking for passengers at Hathras highway, the

other co-accused persons alongwith their luggage came to him and impersonate that they are passengers and looking cab for Delhi and he was unaware about their criminal intention and believing them accepted their request and they reached Delhi on 17.10.2021 around 1 am and when he was deboarding the passengers, in the meanwhile police came and booked the applicant and other accused persons.

It is submitted that the applicant is having four daughters and a son dependent upon him and is a sole bread earner of his family. It is submitted that applicant is a permanent resident of the address given and there are no chances of his absconding from the course of justice. The applicant undertakes that he will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him disclosing such facts to the police officer.

In support of the bail application, reliance is placed on Sanjay Chandra vs. Central Bureau of Investigation, (2012) SCC 40; Mathew Lalnunpuia vs. State of Assam, 2011 (4) GLT and Vaman Narain Ghiya vs. State of Rajasthan, (2009) 2 SCC 281.

On the other hand, the bail application is opposed with the submissions that the quantity of the contraband recovered from the car is commercial quantity and the contention that he was unaware about the bags put by the co-accused in his car is a mater of trial and that if the applicant is granted bail, he can influence the witnesses and misuse the liberty granted to him by evading the due course of law.

Considering the facts and circumstances of the case, material collected during the investigation, at this stage, I found that nothing is placed before the Court which gave an occasion to it to disbelieve the case of the prosecution. Thus, in the facts, considering the provision of Sec. 37 of NDPS Act, I am of the opinion that no case is made out to admit the applicant on bail. As such, the bail application of applicant/accused Anuj Kumar is dismissed. Copy of order be provided to the parties.

Put up on **26-04-2022** for scrutiny of documents as well as for arguments on the point of charge.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/Delhi/14.03.2022