

**CNR No. DLNE01-000656-2022**  
**Furkan Ahmad Vs State**

**In re:-**  
**SC No. 53/2022**  
**FIR No. 760/2021**  
**PS New Usmanpur**  
**U/s 20 NDPS Act**

**31.03.2022**

Present: Sh. Vikas Gautam, Ld. Counsel for applicant.  
Sh. R. K. Satyarthi, Ld. Addl. PP for State along  
with IO SI Ravi Poonia.

Reply to the bail application is filed. Copy is supplied to Ld. Counsel for applicant. Submissions on the application 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 an innocent person and no offence as alleged by the investigation agency has been committed by him and the investigation agency has made him a scapegoat and have falsely implicated in the alleged case, without doing any illegal as well as criminal act and the only due to having ill motive of some of the reveler in association with police official just to ruin his family and his life. It is submitted that applicant has no concern with the allegations as leveled by complainant as well as

by the investigation agency. It is submitted that allegations as levelled in the FIR “occurrence of offence is 02:15 am” but applicant was apprehended by police at 11:30 pm on 16.10.2021” and that the case is completely false, imaginary, planted and beyond truth. It is submitted that investigation agency has neither complied the mandatory provision as provided u/s 50 NDPS Act nor the agency has complied the provision of Section 100 Cr.PC at the time of conducting personal search of the applicant. It is submitted that the alleged recovery is planted and has been shown recovered from the possession of the applicant before the arrival of ACP, hence the alleged recovery can not be relied as true as well as trustworthy.

It is submitted that chargesheet in the matter has already been filed, hence applicant is no more required for any purpose of investigation and that FSL report has already been received. It is submitted that there is no eye witness of the incident, hence there is no apprehension of the tempering of prosecution witnesses and alleged case has been lodged solely on the basis of created as well as false statement of police official of the same investigation team, hence creation of false story as well as averments can not be ruled out.

It is submitted that father of applicant has expired and his mother is suffering with so many ailments and there is no one in his family who can earn and take care of his mother, wife and four children. It is submitted that applicant is ready to obey the direction as well as condition whatever this Court would impose upon him in the event of granting bail and further undertakes to appear as and when he will be directed after grant of bail and undertakes to not misuse the liberty of bail in any

manner. In support of the bail application, reliance is placed upon the judgment in case titled Anil Sharma Vs State of Himachal Pradesh, (1997) 3 Crimes 135 (HP) and Sanjay Chandra Vs Central Bureau of Investigation.

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 that if the applicant is granted bail, there is probability that applicant will involve in the same type of crime again and he can influence the witnesses and misuse the liberty granted to him by evading the due course of law. It is submitted that Section 50 of NDPS Act and Section 100 of Cr.PC is not applicable to the facts of the present case and otherwise also, the personal search was taken in the presence of Gazetted Officer. It is submitted that the applicant has not raised any ground believing which the case of the prosecution may be disbelieved.

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 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 is dismissed.

Copy of the order be provided to the parties and be also sent to the jail authorities for information.

**(SUNIL CHAUDHARY)**  
**Special Judge (NDPS)/ASJ**  
**North East/ Delhi 31.03.2022**