

SC No. 53/22
IA No. 07/22
State Vs. Anuj
FIR No. 760/2021
PS: New Usmanpur
U/s: 20 of NDPS Act

14.11.2022

Present: Sh. U.A.Khan, Ld. Counsel for the applicant/accused Anuj.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Deputed IO SI Vishal Malik.

The matter is fixed for hearing arguments on the application for grant of interim bail for a period of one month filed by this applicant/accused.

IO has filed reply to this application. Copy thereof has been supplied to ld. Counsel for this applicant/accused.

Arguments on the application heard.

Matter stands passed over till 4:00 pm for order on the application.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/14.11.2022

At 4.00 pm.

Present: None for the applicant/accused Anuj.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.

The matter was passed over for order on the application for grant of interim bail.

Vide my separate detailed order of even date, application for grant of interim bail filed by the applicant/accused has been **dismissed**.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/14.11.2022

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**ORDER ON APPLICATION FOR GRANT OF BAIL
FILED BY THE APPLICANT/ACCUSED ANUJ KUMAR**

1. This order of mine will dispose of an application for grant of interim bail filed by this applicant/accused Anuj Kumar vide which this applicant/accused has sought interim bail for a period of one month.
2. I have heard the counsel for this applicant/accused and Ld. Additional Public Prosecutor for State.
3. The counsel for applicant/accused has submitted that marriage of this applicant/accused has been fixed for 24.11.2022 and submitted that fact of the marriage has been verified by the police, so, this applicant/accused may be granted interim bail for a period of one month.
4. On the other hand, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for interim bail and submitted that since 31.084 kg ganja has been recovered from the car, wherein this applicant/accused was traveling and the quantity of the Ganja recovered from the possession of the accused is of commercial nature and since the

charges against this applicant/accused has been framed U/sec. 20 (C) of the NDPS Act, thus, embargo contained U/sec. 37 of the NDPS Act is applicable to the applicant/accused, so, this applicant/accused does not deserve the concession of interim bail. He may also flee from justice and prayed for dismissal of this application for grant of interim bail for a period of one month.

5. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld. Additional Public Prosecutor for State and perused the record.

6. The perusal of the record reveals that 31.084 kg ganja is alleged to have recovered from the car, wherein, this applicant/accused was traveling and the charge u/s. 20(C) of NDPS Act has been framed against this accused, so, the provision U/sec. 37 of NDPS Act is applicable in this case.

7. No doubt, that this applicant/accused has sought interim bail for a period of one month on the ground of his marriage, which is fixed for dated 24.11.2022, but, since the commercial quantity of ganja is alleged to have been recovered from this accused and as the Division Bench of Hon'ble High Court of Delhi in "***CRL.REF.1/2015 titled Athar Parvez Vs. State***" was pleased to hold that "*even for grant of interim bail, the trial court will keep in mind the provisions of section 37 of NDPS Act*". Since, the charge under section 21(C) of N.D.P.S Act has been framed against this accused and commercial quantity of the contraband is alleged to

have been recovered from the accused, so taking into consideration the nature of accusation, gravity of offence, the provision of Sec. 37 of NDPS Act and the judgment passed by the Division Bench of the Hon'ble High Court of Delhi in *Athar Parvez Vs State*, this applicant/accused **Anuj Kumar** does not deserve the concession of interim bail, so, this application for grant of interim bail filed by the applicant/accused **Anuj Kumar** is hereby dismissed.

8. Copy of this order be given dasti.

(PAWAN KUMAR MATTO)
Special Judge (NDPS)/ASJ
North East/KKD Courts/Delhi/14.11.2022