

**IA No. 13/2023**  
**SC No. 53/22**  
**STATE Vs. FURKAN AHMAD**  
**FIR No. 760/2021**  
**PS New UsmanPur**  
**U/s: 20 (c) of NDPS Act**

**17.04.2023**

Present: Sh.Amit Kumar, learned Counsel for the applicant/accused Furkan Ahmad.  
Sh. R.K.Satyarthi, Ld. Substituted Addl. PP for the State.  
Deputed IO SI Dev Kumar.

The matter is fixed for hearing arguments on the application for grant of interim bail filed by this applicant/accused Furkan Ahmad.

Deputed IO has brought an exemption application of IO SI Nitin Kumar and submitted that IO is unable to appear in the court as he is suffering from fever. In view of application moved by deputed IO, IO SI Nitin Kumar is exempted from personal appearance for today only.

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/17.04.2023**

At 4:00 PM

Present: None for the applicant/accused Furkan Ahmad.  
Sh. Sukhbeer Singh Addl. PP for the State.

The matter was passed over for order on the application for grant of interim bail filed by the applicant/accused Furkan Ahmad.

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

Dasti copy of order be provided to the parties.

Attested copy of the detailed order be sent to the concerned Superintendent of Central Jail, Tihar for supplying the same to the accused.

**(PAWAN KUMAR MATTO)**  
**Addl. Sessions Judge (Special Judge NDPS)**  
**North East/KKD Courts/Delhi/16.12.2022**

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**ORDER ON APPLICATION FOR GRANT OF INTERIM BAIL FILED BY THE APPLICANT/ACCUSED FURKAN AHMAD.**

1. This order of mine will dispose of an application for grant of interim bail for two months filed by this applicant/accused Furkan Ahmad.
2. I have heard the counsel for this applicant/accused and Ld. Substituted Additional Public Prosecutor for State.
3. Sh. Amit Kumar, the counsel for applicant/accused has submitted that wife of this applicant/accused has to undergo surgery of removal of gallbladder in AIIMS on dated 25.04.2023 and there is no male member in the family to take care of her and prayed for grant of interim bail for a period of at least 15 days.
4. On the other hand, Sh. R.K. Satyarthi, Ld. Substituted Additional Public Prosecutor for the State has vehemently opposed the present application for interim bail and submitted that this applicant/accused had earlier applied for interim bail in

the Hon'ble High Court and same was granted on the same ground, vide, dated 31.08.2022 by the Hon'ble High Court for a period of 2 weeks, but, no surgery was done and further submitted that on the date of occurrence, this applicant/accused was sitting on the rear seat of the vehicle, from the dickey, whereof two plastic sacks were found and in one sack 14:34 Kg. Ganja was found and in another plastic sack 16:744 Kg. Ganja was found and thus the quantity of the contraband recovered from the Dickey, is of commercial in nature, thus, embargo contained U/sec. 37 of the NDPS Act is applicable to the case in hand and prayed for dismissal of this application for grant of interim bail.

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

6. The perusal of the record reveals that in the case in hand, two plastic sacks are alleged to have been recovered from the Dickey of the vehicle bearing registration No. UP 80CC 7027 and this accused was sitting on the rear seat, whereas, the other two accused were sitting on the front seats. The perusal of the record further reveals that charge U/sec. 20(C) of the NDPS Act has been framed against this applicant/accused as the total weight of the ganja found in two plastic sacks is 31.084 Kg and

since the quantity of the contraband is of commercial in nature,so, the embargo of Sec. 37 of NDPS Act is applicable to the case in hand.

7. No doubt, that this applicant/accused has sought interim bail for a period of 15 days on the ground of surgery of his wife, which is fixed for 25.04.2023, 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 u/s. 21(C) of NDPS Act has been framed against this accused so taking into consideration the fact that the 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 **Furkan Ahmad** does not deserve the concession of interim bail, so, this application for grant of interim bail filed by the applicant/accused **Furkan Ahmad** is hereby dismissed. Copy of this order be given dasti.

(PAWAN KUMAR MATTO)  
Addl. Sessions Judge (Special Judge NDPS)  
North East/KKD Courts/Delhi/17.04.2023