

IA No. 15/2023
SC No. 53/2022
State Vs. Anuj Kumar
FIR No. 760/2021
PS: New Usmanpur
U/s: 20 (C) of the NDPS Act

20.05.2023

Present: Sh. S. N. Quresh, Ld. Counsel for applicant/accused
Anuj Kumar.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
SI Nitin, the deputed IO.

The matter is fixed for hearing arguments on the application for grant of interim bail for four weeks filed by the applicant/accused Anuj Kumar.

Today, on calling the case, the Ld. Counsel for the applicant/accused has appeared. The deputed IO has also appeared and filed reply to the said application. Copy thereof has been supplied to the Ld. Counsel for the applicant/accused.

Arguments on the said application heard.

Accordingly, matter stands passed over for 4:00 PM, for order on the application for grant of interim bail.

(PAWAN KUMAR MATTO)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/20.05.2023**

At 4:00 PM.
Present: None for applicant/accused Anuj Kumar.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.

The matter was passed over for 4:00 PM for order on the application for grant of interim bail filed by this applicant/accused Anuj Kumar.

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

Dasti copies of the detailed order be provided to the parties.

(PAWAN KUMAR MATTO)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/20.05.2023**

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

1. This order of mine disposed of an application for grant of interim bail for a period of four weeks filed by applicant/accused Anuj Kumar.
2. I have heard the Ld. Counsels for the parties.
3. Sh. S. N. Qureshi, Ld. Counsel for applicant/accused submitted that this applicant/accused owns property at Hathras, U.P. and he is desirous to sell the same, for the wellbeing of his wife and submitted that for executing the sale deed, he may be granted interim bail for a period of four weeks.
4. On the other hand, Sh. Sukhbeer Singh, Ld. Addl. PP for the State has vehemently opposed this application and submitted that this accused is the owner of the car, wherein, 31.084 kg ganja was recovered and the quantity of ganja is commercial in nature and at the time of recovery of the said ganja in the car bearing registration no. UP-80-CC-7027, this applicant/accused was also sitting in the car. He has further submitted that the charge u/s. 20 (C) of the NDPS Act has been

framed against this accused and in view of embargo contained u/s. 37 of the NDPS Act, this applicant/accused does not deserve the concession of interim bail and prayed for dismissal of his application under consideration.

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 31.084 kg ganja is alleged to have been recovered from the car, wherein, this applicant/accused was travelling and the charge u/s. 20 (C) of the NDPS Act has been framed against this accused and the embargo contained u/s. 37 of the NDPS Act is also applicable to this applicant/accused. No doubt, this accused has sought interim bail for a period of four weeks for executing the sale deed, for the wellbeing of his wife. But, if he is desirous to sell his property, he can also execute a GPA (even in judicial custody) in favour of his near relative to execute the sale deed, but, as in the case in hand, commercial quantity of the ganja is alleged to have been recovered from the car of this accused, wherein, he was travelling at the time of alleged recovery of the said ganja and as the Division Bench of the 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 the NDPS Act”*. Since, the charge u/s. 20 (C) of the NDPS Act has been framed

against this accused and commercial quantity of the ganja is alleged to have been recovered from the car, wherein, he was travelling, so, taking into consideration the nature of accusation and gravity of the offence alleged to have been committed by this applicant/accused, and provision of Sec. 37 of the 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.

7. In the above terms, **the application for grant of interim bail filed by this applicant/accused Anuj Kumar is dismissed.** Dasti copies of this order be supplied to the parties. **The attested copy of this order be also sent to the Superintendent of Central Jail, Tihar for supplying the same to this accused.**

(PAWAN KUMAR MATTO)
Special Judge (NDPS)Addl. Sessions Judge/
North East/KKD Courts/Delhi/20.05.2023