

IA No. 25/2024
SC No. 53/2022
State Vs. Furkan Ahmad
FIR No. 760/2021
PS: New Usmanpur
U/s: 20/29 of NDPS Act

03.6.2024

**ORDER ON APPLICATION FOR GRANT OF INTERIM BAIL
OF APPLICANT/ACCUSED FURKAN AHMAD**

1. This order of mine shall dispose of an application for grant of interim bail filed by this applicant/accused Furkan Ahmad.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State.
3. Sh. Amit Gupta, Ld. Counsel for the applicant /accused Furkan Ahmad has submitted that this applicant /accused was falsely implicated by the police officials without any wrong doing on his part. He has also submitted that nothing incriminating has been recovered from the possession of this applicant/accused, nor on his instance. He has also submitted that family of this applicant/accused is facing a lot of hardships due to him being in jail and this applicant/accused was released on interim bail by the Hon'ble High Court of Delhi, vide it's order dated 24.1.2024 for a period of one month and it was extended for three months on the ground of surgery of his wife. He has also submitted that since, this applicant/accused is only single male member in his family, there is no one except him to take care of his minor children and his wife and this fact has already been

verified by the Hon'ble High Court of Delhi at the time of granting the interim bail to this applicant/accused.

4. Ld. Counsel for the applicant/accused Furkan Ahmad has further submitted that after and during the surgery of his wife, a lot of money was spent by this applicant/accused for the treatment of his wife and due to his custody and non income of his family and in view of discharge of his liability of loan and other other expenses, this applicant/accused had to sell out his house and he requested to the purchaser to allow his family to stay on rent in the same house, so, the purchaser allowed his family for two months only. He has also submitted that the landlord has sent a legal notice to his wife to vacate the premises and the wife of this applicant/accused is not in a position to arrange another rented accommodation for herself and her children in the absence of the applicant/accused. He has also submitted that this applicant/accused was released on interim bail on 2-3 occasions, but, he never misused his liberty and he always surrendered on time. He has further submitted that since this applicant/accused is not previously convicted by any other court and he undertake to appear before the court on each and every date of hearing, if he will be released on interim bail.

5. On the other hand, Sh. F. M. Ansari, Ld. Addl. PP for the State has vehemently opposed this application and submitted that this applicant/accused was arrested by the police alongwith the co-accused Anuj and Shakil Ahmad, as, 31.084 kg Ganja was recovered from the car, which was being driven by the

co-accused Shakil Ahmad. He has further submitted that the quantity of the contraband recovered from the accused falls under the commercial quantity and there is likelihood of fleeing away from justice by this applicant/accused, so, this applicant/accused does not deserve the concession of interim bail and prayed for dismissal of this application for grant of interim bail.

6. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

7. The perusal of the record reveals that in the case in hand, commercial quantity of the contraband is alleged to have been recovered from the accused and charge u/s. 20 (C) of NDPS Act has been framed against this applicant/accused. Ld. Counsel for the applicant/accused has relied upon two orders of the Hon'ble High Court of Delhi, one dated 24.1.2024 in Furkan Ahmad Vs. State of NCT of Delhi in Bail Application No. 263/24, wherein, the applicant was released on interim for one month on the ground of surgery of his wife, which was subsequently extended for one month vide order dated 22.3.2024 (Bail Application No. 1058/2024) and second dated 31.7.2023 in Shakil Ahmad Vs. State of NCT of Delhi in Bail Application No. 1726/2023, wherein, the co-accused was released on interim bail for one month on the same grounds i.e. his landlord was insisting on eviction of the property.

8. Alongwith the reply, IO has also filed statements of the purchaser of the property, as well as wife of the applicant,

photocopies of GPA, agreement to sell, affidavit, possession letter, Deed of Will and notice issued to the wife of the applicant. The factum of execution of the sale documents qua property of the wife of the applicant and issuance of notice to her has been duly verified by the IO. On query, IO further submitted that the family of the applicant is consisting of the applicant, his wife and three minor children.

9. In view of the peculiar facts and circumstances of the case, since, there is no one else in the family of the applicant to assist his wife and minor children in vacating the property and finding another house on rent and since, the Hon'ble High Court of Delhi has already granted similar relief on interim bail on similar grounds to the co-accused Shakil Ahmad, this court is of the view that this is fit case for grant of interim bail for a period of one month to the applicant/accused Furkan Ahmad, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the following terms and conditions:

(1). The applicant/accused shall remain available on the mobile numbers, shared by him with the Investigating Officer, which shall be kept operational at all the time;

(2). The applicant/accused shall not indulge in any act which may prejudice either the trial or influence the prosecution witnesses; and

(3). The applicant/accused shall duly surrender before the concerned Superintendent Jail on the expiry of the

interim bail.

10. In the above said terms, the application for grant of bail filed by applicant/accused Furkan Ahmad stands allowed. Copy of this order be given dasti. **Attested copy of this order be sent to the Superintendent of Central Jail concerned for supplying the same to this applicant/accused.**

(PUNEET PAHWA)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/03.6.2024**