

IA No. 26/2023
SC No. 53/2022
State Vs. Anuj Kumar
FIR No. 760/2021
PS: New Usmanpur
U/s: 20 of NDPS Act

21.6.2024

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

1. This order of mine shall dispose of an application for grant of interim bail for a period of four weeks filed by this applicant/accused Anuj Kumar.
2. I have heard the counsel for this applicant/accused and Ld. substitute Additional Public Prosecutor for State.
3. Sh. S. N. Qureshi, Ld. Counsel for applicant/accused has submitted that this applicant/accused is required to sell his plot situated at his native place for making financial arrangements for the treatment and maintenance of his wife and other dependents. He has also submitted that this applicant /accused is in judicial custody since 17.10.2021 and he undertakes to appear on each and every date of hearing during the period of interim bail and he is also ready to abide by all the terms and conditions imposed by the court, if he will be released on interim bail.
4. On the other hand, Ld. Substitute Additional Public Prosecutor for the State has vehemently opposed the present

application for bail and submitted that 16.744 Kilograms Ganja was recovered from the Dickey of the vehicle of the accused and the quantity of the contraband is of commercial nature, so, embargo contained U/sec. 37 of the NDPS Act is applicable to the case in hand, in case of granting interim bail to the applicant/accused, so, there is likelihood of fleeing away from justice by this applicant/accused 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. substitute Addl. PP for State and perused the record.

6. The perusal of the record reveals that in the case in hand, no doubt the total weight of the ganja found to be recovered is 31.084 Kilograms, which is a commercial quantity, however, the present application has been filed for releasing the applicant/accused on interim bail for a period of four weeks, so that the applicant/accused could sell his immovable property to arrange funds for his family. The documents filed alongwith the application have been duly verified by the IO. This applicant /accused was previously granted interim bail for a period of three weeks by the Hon'ble High Court of Delhi and this applicant /accused had timely surrendered after completion of the period of interim bail and he did not misuse his interim bail, granted previously.

7. 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 and since, the Hon'ble High Court of Delhi has earlier granted similar relief of interim bail to this applicant/accused, this court is of the view that this is fit case for grant of interim bail for a period of four weeks to the applicant/accused Anuj Kumar, on his furnishing personal bond in the sum of Rs.20,000/- 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, which has been granted for a period of four weeks from the date of his release.

8. In the above said terms, the application for grant of bail filed by applicant/accused Anuj Kumar 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)
Vacation Judge/Special Judge (NDPS)/
Addl. Sessions Judge/North East/
KKD Courts, Delhi/21.6.2024

