

IA No. 6/2022
Shamsher Khan Vs State

In re:-
CNR No. DLNE01-002717-2021
SC No. 280/2021
FIR No. 200/2021
PS: Seelampur
22.01.2022

Present: Sh. M. K. Khanna, Ld. Counsel for applicant.
Sh. Masood Ahmad, Ld. Addl. PP for the State along
with Inspector Investigation Sunil Kumar and IO SI
Shailendra Tiwari.

The matter is taken up for hearing through video conferencing by Cisco Webex Meeting App in terms of office order No. 1/RG/DHC/2022 dated 12.01.2022 of the Hon'ble High Court of Delhi and order No. 478-490/Judl./N-E/KKD/Delhi/2022 dated 14.01.2022 of Learned Principal District and Sessions Judge, North East, Delhi.

Reply to the application has been received through mail. Copy of same is also sent to Ld. Counsel for applicant as stated.

Submissions on the application are heard.

The applicant is praying for release on bail with the submissions that he has been falsely implicated by the police officials of PS Seelampur without having strong evidence and that applicant belongs to a very poor family and also have lot of liabilities for his family. It is submitted that applicant is permanent resident of address given and as such, there is no chance of her absconding or tempering with the prosecution witnesses, if admitted to bail. It is submitted that applicant is running in J/C since 18.06.2021 and co-accused has already been granted bail on

18.01.2022. The applicant is ready to abide by all the terms and conditions imposed by the Court if he is enlarged on bail.

On the other hand, the application is opposed with the submissions that applicant was arrested by the police on 18.06.2021 and he was served with notice u/s 50 NDPS Act and thereafter in his search taken in the presence of ACP, Seelampur, a transparent pouch consisting brown colour powder appearing as smack which weighted around 14.7 gram was found from his possession and that the smack on weighing was found 10 grams. It is submitted that co-accused Mumrez Alam, who was with him at that time and from him similar quantity has been recovered, has been admitted to bail and on the ground of parity and the period of custody, the Court may pass appropriate orders qua the applicant.

Considering the facts and circumstance of the case, period of custody and that due to pandemic situation, completion of the trial is not possible in near future, I am of view that case is made out to admit the applicant for bail. As such, application is allowed.

Applicant be released from the custody on furnishing of bail bonds in the sum of Rs. 25,000/- with one surety of like amount. The applicant upon release from the custody will provide his mobile number to the SHO, Seelampur and will ensure the number working all the time. The applicant will not leave NCT of Delhi without the prior permission of the Court.

Copy of order be provided to the parties and be also sent to the Superintendent Jail concerned for intimation.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/ Delhi 22.01.2022