

Majhar Khan @ Sonu Vs. State

In re:-

SC No. 373/2019

FIR No. 203/2019

PS: Crime Branch

U/s: 21 NDPS Act

21.01.2022

Present: Sh. Shailendra Singh, Ld. Counsel for applicant.
Sh. Masood Ahmad, Ld. Addl. PP for the State.

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 bail application has been received through mail and copy of the same has been supplied to Id. Counsel for the applicant. Submissions on the bail application are heard.

By way of present application, the applicant, who is in custody in the present case as facing trial for the offence punishable u/s. 21 NDPS Act and Sec. 50/177 of M. V. Act, is seeking interim bail with the submissions that marriage of the sister of the applicant namely Areeba Khan (Bua's daughter) has been fixed for 28.01.2022 which has been lingering on for two years in the absence of the applicant as he is the only one to do *Kanyadan* for her as his father was the only brother of two sisters and since he died, the applicant is the only one in the family who has responsibility to do the *Kanyadan* for Areeba in his father's absence. It is submitted by Id. Counsel for the applicant that the

word *Kanyadan* has been mentioned incorrectly in the application and the correct term is *Neki* as per the religious rites of the applicant and the application be considered as the applicant is the only one who can perform the rituals.

On the other hand, it is submitted that in the reply filed by SI Abdul Barkat, it is mentioned that the applicant has one elder brother namely Guljar Khan aged about 41 years who can participate in the marriage to do the *Neki/Kanyadan* ceremony. It is submitted that when the elder brother of the applicant is alive and is available, the ritual is to be performed by him and not by the applicant and the applicant is not entitled for the interim bail.

Considering the facts and circumstances of the case, nature of offence and the reason where there is no ritual which is to be performed by the applicant alone and the availability of his elder brother, I am of the view that no case is made out to admit the applicant on interim bail on the grounds pleaded. As such, the present application is dismissed.

Copy of order be provided to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/Delhi/21.01.2022