

SC No. 373/2019
IA No. 14/22
State Vs. Shanu
FIR No. 100/19
PS: Crime Branch
U/s: 21 of NDPS Act

15.11.2022

Present: Sh. Shailendra Singh, Ld. Counsel for the
applicant/accused Shanu.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
IO/SI Abdul Barkat.

The matter is fixed for hearing arguments on the
application for grant of bail filed by this applicant/accused Shanu.

IO has filed reply to this application. Copy thereof has
been supplied to Id. Counsel for this applicant/accused.

Arguments on the application heard.

Matter stands passed over till 4:00 pm for order on the
application.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/15.11.2022

At 4.00 pm.

Present: None for the applicant/accused Shanu.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.

The matter was passed over for order on the application
for grant of bail.

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

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/15.11.2022

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**ORDER ON APPLICATION FOR GRANT OF BAIL
FILED BY THE APPLICANT/ACCUSED SHANU.**

1. This order of mine will dispose of an application for grant of bail filed by this applicant/accused Shanu.
2. I have heard the counsel for this applicant/accused and Ld. Additional Public Prosecutor for State.
3. The counsel for this applicant/accused has submitted that this applicant/accused has nothing to do with the offence alleged to have been committed by him nor the motorcycle from where the Heroine is alleged to have been recovered belongs to him and prayed for grant of bail.
4. On the other hand, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that this applicant/accused and other co-accused Azhar Khan @ Sonu were found together on a motorcycle and beneath of seat of said motorcycle, 1 Kg Heroine was found and submitted that the quantity of the Heroine recovered from this applicant/accused is commercial in nature, so embargo contained U/sec. 37 of the NDPS Act is applicable to the case in hand and submitted that since this applicant/accused

has committed the heinous offence and charge U/sec. 21 (C) of NDPS Act has been framed against him, so, he does not deserve concession of bail and prayed for dismissal of this application for grant of bail.

5. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld. Additional Public Prosecutor for State and perused the record.

6. The perusal of the record reveals that this applicant/accused and co-accused were found on a motorcycle and beneath the seat of said motorcycle, two polythene bags (one containing 250 grams and other containing 750 grams) of Heroine are alleged to have been found. Charge against this applicant/accused have been framed U/sec. 21 (C) of the NDPS Act. Since, this applicant/accused is alleged to have committed heinous offence punishable U/sec. 21 (C) of the NDPS Act and the quantity of contraband alleged to have been recovered is of commercial in nature, so, the provision U/sec. 37 of NDPS Act is applicable in this case. so taking into consideration the nature of accusation, gravity of offence, the provision of Sec. 37 of NDPS Act this applicant/accused **Shanu** does not deserve the concession of bail, so, this application for grant of bail filed by the applicant/accused **Shanu** is hereby dismissed. Copy of this order be given dasti.

(PAWAN KUMAR MATTO)
Special Judge (NDPS)/ASJ
North East/KKD Courts/Delhi/15.11.2022