

Hearing through Video Conferencing by Cisco Webex Meeting App

Majhar Khan @ Sonu Vs. State

In re: -

FIR No. 100/2019

PS: Crime Branch

U/s: 21/29 NDPS Act & 50/177 MV Act

10-09-2020

Present: None for the applicant.
 Sh. Ashok Kumar, Ld. Addl. PP for the State.

Reply to the bail application has already been received through mail and arguments on behalf of applicant were heard on the last date of hearing. Submissions heard on behalf of State.

The applicant is in custody in the present case since 18/04/2019 and he is seeking interim bail with the submissions that on 30/07/2020 his wife had fallen from the stairs and sustained head injuries and as she had fallen unconscious she was rushed to hospital where she was referred for CT scan. It is submitted that she is undergoing a financial crunch and the government hospitals are not allowing any CT scan as per the information received from the doctors so she had no option but to come back home without the test. It is submitted that she reached to the hospital on 31/07/2022 as she did not feel comfortable and after an analysis by the doctors, she was advised to undergo through a surgery but it is not possible for her to manage to have any further medication.

It is submitted that she had fallen sick again on 06/08/2020 and she managed to reach to the OPD again, and after further analysis and when the doctors felt no improvement she was referred to higher Centre but they are not taking patients as of now and there is no one in the family other than the applicant to look after her. It is submitted that the applicant has never been involved in any criminal activity and is neither previous convict nor has been suspected ever and that he has clean antecedents. It is submitted that the matter is listed for framing of the charge and the applicant is ready to furnish the reliable surety to the entire satisfaction of the court.

The bail application opposed with the submissions in reply that the applicant with the co-accused was riding on the motorcycle and from the search of the motorcycle which was without number plate two packets were recovered which were containing 250 g and 750 g heroin. It is further stated that their personal search was carried out in the presence of ACP who is a gazetted officer after serving mandatory notice under section 50 NDPS Act and nothing incriminating was recovered from their body search. It is further stated that medical documents submitted with the application were got verified from the hospital and it is reported that the patient had not been advised surgery or admission. It is submitted that the documents are of dated 30/31-07-2020 and a period of more than one month has passed. It is submitted that the wife of the applicant is residing along with his mother-in-law as a tenant and there is no permanent address of the applicant in Delhi. It is replied that there are other relatives of the applicant in Delhi who

can take care of his wife and there is no other medical document which shows that the wife of the applicant is still under treatment.

At request of the counsel for the applicant further time was granted to the applicant to furnish the latest documents of the treatment but no other document has not been placed on file so far as has not been supplied to the learned counsel.

Considering the facts of the case where the wife of the applicant is not admitted in any hospital for the treatment nor has been advised for any surgery, there appears no need of the presence of the applicant to take her care. In these facts the application is dismissed. Copy of the order be sent to the parties

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East, Delhi 10-09-2020