

IA 1/23
State Vs. Vipal Manish Tailor
FIR No. 397/2019
PS-Safdarjung Enclave
U/s 17/29 of NDPS Act

19.05.2023

This is an application u/s 439 Cr.P.C. for grant of regular bail moved on behalf of applicant/accused Vipal Manish Tailor.

Present: Sh. Inder Kumar, Ld. Addl. PP for the State.
Sh. Amar Phogat and Sh. Abhishek Gautam, Ld. counsel for applicant/accused.

Report has been received from HC Vijender, PS-Safdarjung Enclave as per which the accused was involved in 13 cases all pertaining to district Surat, Gujarat and one case at PS-Hari Nagar.

Ld. counsel submits that the applicant/accused has been granted bail in all but one case. Report has also been received from Superintendent, Lajpore Central Jail, Surat as per which the accused is in custody in B11210015220149/22 Arms-25(1-B)A, GPA-135 IPC.

Arguments heard. Record perused.

As per the version of prosecution, on 05.11.2020, acting on secret information, a raiding team was formed and the members of the raiding party took their position near the spot. At about 04:40PM, Nitesh@Nikku came from IIT side to which the informer stated that the same was Nikku who had come to supply drug. After sometime another person who is the applicant Vipal also came there

from RK Puram side. The person who was identified as Nitesh@Nikku handed over a small parcel to Vipal. The raiding team immediately apprehended both the persons at the spot. Upon their search, 500gms of charas was recovered from the possession of Nitesh@Nikku. The packet which Nitesh@Nikku had handed over to Vipal was recovered from Vipal's possession and the same was found containing 100 gms of charas.

It is apparent from the perusal of the charge-sheet that Nitesh@Nikku had come to sell the contraband and accused Vipal Tailor was the user who had come to purchase the same. The recovered quantity of charas from the possession of the applicant/accused Vipal is 100 grams which falls under small quantity.

Ld. Addl. PP has argued that charges have been jointly framed against both the accused for the offence punishable u/s 20(B)/29 NDPS Act, however he has fairly conceded that only 100 gms of charas was recovered from the possession of the applicant/accused and there is no evidence to connect him with the conspiracy.Ld. Addl. PP has also submitted that the bail applicaiton was also moved by the applicant before the Hon'ble High Court, however, Ld. counsel has apprised that the same was not decided on merits as the same was withdrawn. He has brought the attention to order dated 07.12.2021 passed by Hon'ble High Court in bail application no. 3761/21 which stood dismissed as withdrawn.

Having regard to the facts and circumstances of the case, it is pellucid that the only evidence available on record against the applicant/accused is that he had come to purchase charas from the co-accused. He was apprehended at the spot with 100 gms of charas which falls under the category of small quantity. The other co-accused from whom 500 gms charas was recovered has already been released on bail. There is no reason to detain the applicant/accused any longer. Accordingly, **the accused Vipal Manish Tailor is admitted to bail on his furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount .**

Application is disposed off accordingly.

Copy of the order be given dasti.

Copy of the order be sent to Jail Superintendent through email for information.

(Gaurav Gupta)
Spl. Judge-NDPS/ASJ (South)
Saket Courts, New Delhi/19.05.2023