

SC 3/2021  
STATE Vs. NITESH KUMAR @ NIKKU

FIR No. 397/2020  
PS-Safdarjung Enclave

22.03.2021

Present :- Mr. F.M. Ansari, Ld. Addl. PP for State.  
Both accused produced from JC.  
Mr. Jitender Singh, Ld. Counsel for applicant/accused  
Nitesh Kumar @ Nikku.  
IO SI Imran in person.

Ld. Counsel for accused/applicant Nitesh Kumar @ Nikku submitted that the applicant/accused is innocent and falsely implicated in the present case. He is in JC since 05.11.2020. No public person joined to the investigation. The provisions of Section 50 of NDPS Act has not been complied with. It has been further contended that the accused has been falsely implicated because of the police as it reflected from the telephonic conversation between one Suraj and Pawan. Copy of the transcription of the same has been filed. It has been further contended that 5-6 months old son of the accused is not keeping good health. Medical documents of the son of the accused have been filed. On the basis of these submissions, prayer has been made to allow the application.

On the other hand, Ld. Addl. PP for State submitted that the earlier bail application of the applicant/accused was declined on 20.02.2021 and all the points raised by the accused for grant of bail in the present application, have already been considered. There is no fresh ground to move the application on the basis of these submissions. Hence, prayer has been made to dismiss the application.

Arguments heard. The earlier bail application of the accused was declined on 20.02.2021 after filing of the charge sheet. The fact of non-joining of independent witnesses or compliance of Section 50 of NDPS Act etc., have already been considered. The only new ground available to the accused, is that he has filed the transcription of some conversation taken place between one Suraj and Pawan. However, the conversation between two persons, who have no concern with the case, cannot be a ground to consider the bail application of the accused. The medical documents of the son of the accused perused. There is nothing in the documents, for which immediate presence of the accused is required. Considering the entire facts and circumstances of the case, it is found that there is no good ground to allow the application. Hence, the bail application is dismissed.

(Bhupesh Kumar)  
Additional Sessions Judge (South)  
Saket Courts, New Delhi/22.03.2021