

STATE Vs KARAN KHANNA & ANR.
FIR No. 205/19
PS- Crime Branch
u/Ss 20 NDPS Act

10.10.2022

Present: Mr. MZ Khan, substitute, Ld. Addl. PP for State.
Ld. Counsel for the accused Sidhanth Khanna.

Vide this order, I shall decide the bail application of accused Sidhanth Khanna.

The case of the prosecution is that on 16.07.2019, the co-accused Karan Khanna was apprehended with commercial quantity of contraband substance (charas and marijuana). Upon arrest of this co-accused, it was revealed to the investigating agency that his brother, the applicant herein, was also involved in the conspiracy to procure / sell the contraband substance unlawfully.

However, this applicant / accused could not be arrested earlier as he was allegedly evading participating in the investigation. Later, this accused was arrested on 04.04.2022 and is in judicial custody since then.

While evidence cannot be minutely appreciated at this stage, however, in view of the provision u/s 37 NDPS Act, it is important that the court takes atleast a birds eye view of the entire material before it so as to opine whether the condition as mentioned in Sec. 37(1) (b) (ii)

(2)

NDPS Act is met or not.

Investigation in this case is complete and chargesheet has been filed. It is not the case of the prosecution that any further recovery is to be made from this applicant. Infact, no recovery of contraband substance was made from this accused ever. The only evidence against him in the entire chargesheet / supplementary chargesheet is that he was in telephonic contact with the accused from whom recovery was made. There are no call recordings filed with the chargesheet and mere CDR showing that the two accused were in touch telephonically does not really strengthen the prosecution case, for the two accused are brothers and even in the normal course, it is only natural for them to be in touch with each other through telephone.

In the supplementary chargesheet, there is further material that this accused had used a forged driving license to secure a hotel booking. However, the said booking was made somewhere in March 2022 i.e, much after the commission of the offence in this FIR and it is not explained in the entire chargesheet, how the said bookings are anyway connected with the offence in this FIR.

The accused has no previous criminal involvement and thus, this court has no reason to believe that he is likely to commit similar offence again, if enlarged on bail.

(3)

Thus, considering the material on record against the applicant, this court is satisfied that this is a fit case for grant of bail even after giving due regards to the provisions of Sec. 37 NDPS Act.

Accordingly, **the applicant / accused Sidhanth Khanna is admitted to bail on his furnishing a personal bond in the sum of Rs. 20,000/- with two sureties in the like amount to the satisfaction of this court.**

Application stand disposed of accordingly as allowed.

(Monika Saroha)
Special Judge-NDPS/ASJ (South)
Saket Courts/10.10.2022