

Through Video Conferencing via CISCO Webex

SC No. 7256/2016
DRI vs. Anil Kumar

12.08.2021

In view of circular no. Judl-II/F.7/South/Saket/2021/4199-4215 Dated 22.07.2021 of Ld. Principal District & Sessions Judge (South), issued on the basis of circular no. Endst. No. 439-470/RG/DHC/2021 Dated 22.07.2021 of Hon'ble High Court of Delhi all the matters shall be taken up through video-conferencing.

The present bail application has been put up before me in view of office order no. Judl.II/F.102/South/Saket/2021/11587-11610 Dated 04.08.2021.

Present :- Sh. S. K. Aggarwal, Ld. SPP for the DRI.

Sh. Amjad Khan, Ld. Counsel for the accused.

Reply of the bail application received by the counsel for the applicant/accused.

Heard arguments on the bail application as advanced by all present.

The material allegation against the accused is that he along with the co-accused was found in possession of methaqualone 272.800 kg being carried in a three-wheeler. Later during investigation it also emerged that the applicant/accused is running a courier company and also upon further investigation huge commercial quantities of other psychotropic substance was recovered from the co-accused.

Ld. Counsel for the accused has argued that the accused is behind bars since 8 years now and evidence of all public witnesses have been recorded, therefore there is no likelihood of the accused tampering with the evidence/influencing the victims. Further, ld.

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Counsel has argued that the long detention while still under trial infringes on the fundamental right to liberty of the accused.

On the other hand, Ld. SPP has opposed the bail application arguing that the accused is not entitled to bail considering the provisions of Section 37 NDPS Act and previous two regular bail applications of the accused have been dismissed by the Ld. Predecessor of this Court.

Considering the entire facts and circumstances, this is not a fit case for grant of bail. Although the public witness have been examined and they have not supported the prosecution case on some aspects, however, in their cross examination by the Ld.SPP they have indeed admitted their signatures on some documents and at this stage when the entire evidence is not concluded, it cannot be said that the evidence so far recorded lends reasonable grounds for believing that the accused is not guilty of the offence charged with. Huge commercial quantity was recovered from the vehicle the accused was occupying The co-accused have also not received regular bail so far even from the Hon'ble Apex Court and are on interim bail only due to health reasons.

Accordingly, the present bail application is disposed off as dismissed.

(Monika Saroha)
Spl. Judge-NDPS/ASJ (South)
Saket Courts, New Delhi/12.08.2021