

CNR No. DLWT01-000171-2021
SC No. 45/21
FIR No. 946/20
PS: Rajouri Garden
U/s 20 NDPS Act
State Vs. Sandeep Khanna @ Deva

07.07.2022

Present: Sh. Subhash Chauhan, Ld. Substitute Addl. PP for the State.

Sh. Deepak Ghai, ld. counsel for the applicant/accused.

IO SI Deepak Sharma is present in person.

Reply to the bail application is filed.

Heard. Perused the record.

In the application it is stated that the applicant/accused has been falsely implicated in the present case and he had no role in the commission of the offence. It has been further submitted that 4th regular bail application of the applicant/accused was dismissed by the Court vide order dated 30.05.2022 on the ground that he was previously released on interim bail vide order dated 31.03.2021 for the period till 30.04.2021 and he had not surrendered till 11.03.2022 before the Court after the expiry of interim bail. It has been further stated that it is not the case where the accused tried to abscond from the Court or was having any intention at any point of time to misuse the liberty granted to him. It has been further stated that after releasing on interim bail, accused had attended each and every date of hearing either through V/C or physically i.e. 19.07.2021, 06.08.2021, 05.10.2021, 24.11.2021 and 11.03.2022 until he was ordered to be

taken into custody by the Court. It has been further stated that the reason of default on the part of the accused was that he was under impression that he was also on emergency bail like other accused persons who were also released on bail by the orders of Hon'ble Delhi High Court as well as Hon'ble Supreme Court. It has been further stated that the present case is a false case against the accused as he used to make call at 100 number against the drug peddlers of his area and due to his calls at 100 number, beat officials were facing wrath of their seniors and ultimately, he was punished for being a whistle blower by the police by implicating him in the present case by planting 5 kg & 750 gm Ganja upon him. It has been further stated that the quantity of contraband is involved in the present case is an intermediate quantity and hence, bar of Section 37 of NDPS Act is not applicable to the present case. It has been further stated that the accused was never found in possession of any contraband and nothing was recovered at his instance and the alleged recovery of contraband is planted one. It has been further stated that the alleged recovery has already taken place and the accused is in JC since 10.11.2020 and investigation qua him has already been completed and he is no more required for any investigation purpose. It has been further stated that the accused was never found involved in any similar kind of offence and was earning his livelihood by performing in stage Shows, Jagran and Sai Sandhya by playing the role of different God and Goddess. It has been further stated that the trial would take long time to conclude

and further judicial custody of the accused is no more required in the present case for any kind of investigation purpose as the investigation qua him has already been completed and the charge has already been framed against the accused. It has been further stated that all the witnesses are police officials, therefore, the question of tampering with the evidence does not arise at all. It has been further stated that the accused has strong roots in the society and is permanent resident of Delhi. It has been further stated that there is no chance of absconding and tampering with the prosecution evidence, if he is admitted on bail. It has been further stated that the accused is ready to furnish bail bond to the satisfaction of the Court and is ready to abide by all the conditions imposed by the Court. Thus, it has been prayed that the accused may kindly be released on bail.

On the other hand, the bail application has been opposed on the ground that during the course of investigation, present applicant/accused disclosed that he bought the Ganja from a person namely Bunty whom he met at Patel Nagar. It has been further stated that during investigation, efforts were made to trace out said co-accused Bunty, but he could not be traced and after completion of investigation, chargesheet was filed. It has been further stated that allegations against the accused are very serious in nature and as per record, the present accused is previously involved in case FIR No. 597/15, U/s 457/380/411 IPC of PS Rajouri Garden. It has been further submitted that there is likelihood that the accused may tamper

with the evidence, or may flee away from the jurisdiction of this Court or if released on bail, he may commit the similar offence. Thus, it has been prayed that he should not be released on bail.

Having heard the rival submissions on behalf of the parties, the fact that charge has already been framed and that the trial will take its own time, the recovered Narcotics/Ganja is of intermediary quantity, his previous involvement cannot be treated as a ground to keep him in custody on the mere apprehension of committing the similar offence again in absence of any cogent proof/reason and the accused is in JC for about last more than one year, without making any comment upon the merit, the present application in hand is allowed. Accused Sandeep Khanna @ Deva is admitted to bail subject to furnishing personal bond in the sum of Rs. 10,000/- with one surety of like amount and subject to the following conditions: -

1. That accused shall not come in contact with or try to influence any of the witnesses connected with the case either directly or indirectly;
2. That accused shall not directly or indirectly make any inducement, threat or promise to any person so as to dissuade him/her from disclosing the facts before the court and accused shall not tamper with the evidence in any manner;
3. That accused shall not change address without prior intimation to the I.O./SHO concerned.

Bail application stands disposed off.

- 5 -

Nothing discussed herein-above shall have any bearing upon the merits of the case.

The copy of this order be given dasti to the parties/ be sent through electronic modes.

A Copy of order be sent to the concerned Jail Superintendent for perusal and necessary action.

Be put up on the date already fixed i.e. **01.10.2022** for PE.

(Devendra Kumar Sharma)
ASJ/Special Judge (NDPS)(West)
THC/Delhi/07.07.2022