

CNR No. DLWT01-000498-2021
SC No. 49/2021
FIR No. 301/2019
u/s 21/29 NDPS Act
PS: Crime Branch
State Vs. Sonu Kumar

22.02.2024

Case file is taken up today upon the bail application filed on behalf of accused Sonu u/s 439 of Cr.P.C for grant of interim bail for a period of one months.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Sh. Deepak Ghai, Ld. Counsel for the accused.
SI Neeraj from PS ANTF/Crime Branch is present.

Reply to the bail application is filed. Copy supplied.

Application gone through. Arguments heard.

Ld. Counsel for the applicant/accused submits that the condition of mother of applicant/accused is very critical and she needs medical treatment. Ld. Counsel further submits that applicant/accused is the only male members to take care of mother and to arrange funds for the treatment of his ailing mother. Ld. Counsel further submits that accused is ready to abide by all the terms and conditions. With these submissions Ld. Counsel prays for grant of interim bail to the applicant/accused for a period of 1 month in favour of accused.

On the other hand, Ld. Addl. PP for the State

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strongly opposed the bail application of applicant/accused, however, admitted the factum of illness of the mother of the applicant/accused as same is duly verified by the concerned PS.

Record reveals that applicant/accused is facing trail for the commission of offence u/s 21 (c) of NDPS Act. The present case is at the stage of PE and four witnesses out of 19 witnesses have been examined. As per the report of the IO, the mother of the accused is suffering from uncontrolled Type 2 DM/UTI/Diabetic Nephropathy/Diabetic Neuropathy/ACS. It is further reported by IO that the mother of the applicant/accused is found bedridden and she is not in a state to stand or move by herself due to her problem of Kidney/ high BP/ Sugar and swelling on her legs. Moreso, as per the report of IO, there is no other male members in the family of the applicant/accused and the family of the applicant/accused includes his mother, wife and three minor children only.

Record further reveals that applicant/accused was also admitted on interim bail on previous occasions and had surrendered himself within stipulated time and has not misused the relief of bail. Ld. Counsel undertakes on behalf of applicant/accused that he will surrender before the jail authority within time, if released on interim bail.

Considering the facts and circumstances of the present case and keeping in view the medical condition of the mother of the applicant/accused, abovesaid verification

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report and without going into the merits of the case, this Court allows the present application of applicant/accused on humanitarian grounds and applicant/accused admitted to interim bail for a period of 03 weeks on furnishing of personal bond in a sum of Rs. 50,000/- with one sound surety of like amount and shall surrender himself after the expiry of period of 03 weeks from the date of his release before the concerned Jail Superintendent and subject to following conditions:

1. 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;
2. That accused shall not leave the country and surrender his passport, if any alongwith bail bonds;
3. That the accused shall furnish his mobile number to the IO/SHO;
4. That accused shall not indulge in any criminal activity during the period of interim bail;
5. That accused shall not seek extension of period of abovesaid interim bail.

It is hereby made clear that in the event of breach of any of the aforesaid terms and conditions of bail on the part of accused person, it shall be open for complainant/I.O./SHO/State to seek cancellation of the bail being granted to the accused. With these directions, the

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bail application stands disposed of.

Nothing discussed hereinabove shall tantamount to be an expression upon the merits of the case.

Copy of the order be given dasti to the parties.

Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

(Satvir Singh Lamba)
ASJ/Special Judge (NDPS(West))
THC/Delhi/22.02.2024