

FIR No.213/17
P.S. Crime Branch
U/S 21/29 NDPS Act & 14 of Foreigners Act
State Vs Hargovind Singh etc.

01.09.2021

The matter is being taken up physically in compliance of Order dated 27.08.2021 passed by learned Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi.

Present: Mr. Sukhbeer Singh, Additional Public Prosecutor for State.
Mr. Iqbal Khan, Counsel for applicant/accused Hargovind Singh.

Today the case is fixed for arguments on pending interim bail application of applicant/accused Hargovind Singh. Reply of IO/ASI Om Prakash has been received. It be taken on record.

Arguments on interim bail application heard. Record perused.

Counsel for applicant has submitted that the mother of applicant is 66 years of age and she has been diagnosed to be suffering from Supra umbilical Hernia and her surgery was scheduled for 28.08.2021. He has mentioned that the father of applicant has already expired and two brothers of applicants are residing separately, therefore, the applicant has to take care of her mother. He has mentioned that there is no male member in the house to take care of mother of applicant, therefore the interim bail for six weeks is sought. He has mentioned that the applicant is ready to abide by all terms and conditions to be imposed, in case, he is granted interim bail.

On the other hand, Addl. PP for State has vehemently opposed this interim bail application stating that applicant Hargovind Singh was found in conscious possession of 260 Grams of Heroin, which is a commercial quantity. He has mentioned that there is rigor of Section 37 NDPS Act. He has mentioned that the possibility of applicant/accused fleeing away from the justice cannot be ruled out completely, in case, he is granted interim bail at this stage.

I have perused the record in the light of respective submissions. As per the report of the IO filed today, the mother of the applicant is residing with the brother of applicant, namely Nayab Singh and he is taking care of his ailing mother. The statements of two neighbours in this regard have also been annexed with the report of the IO. Moreover, besides this case, the applicant is also reported involved in two other cases of NDPS Act, the details whereof have been given in the report of the IO. The applicant is facing trial for the offences punishable under section 29/ 21(c) of NDPS Act. Commercial

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quantity of alleged contraband was recovered from his conscious possession. The appellant appears to be earning his livelihood by selling contraband substance. Record shows that there is no urgent compelling circumstance warranting his release on interim bail. The brother of the accused can very well take care of his mother. At this stage, I am not inclined to grant interim bail to applicant. Accordingly, the present interim bail application stands dismissed.

A copy of this order be given dasti to counsel for applicant, as prayed.

Put up on the date already fixed i.e. 08.10.2021.

(SUDHANSHU KAUSHIK)
ASJ/Special Judge (NDPS)
West District/THC/Delhi
01.09.2021