

SC 284/2025
STATE Vs. KAMAL SINGH AND ORS.
FIR no.267/2024
PS Crime Branch-West Delhi

19.07.2025

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.
Ld. Counsel for the applicant/accused.

File perused. Heard.

This is an application u/s 483 of BNSS filed on behalf of the applicant/accused Ashok Kumar for grant of bail.

Reply filed on behalf of the IO. Copy supplied.

Arguments heard. Clarifications sought.

It is submitted by Ld. Counsel that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant/accused was arrested in the present case on 23.12.2024 and since then he is in JC. It is further submitted that there is non-compliance of section 50 of the NDPS Act in the present case. It is further submitted that in the present case no public witnesses were joined at the time of proceedings of the alleged recovery of contraband. It is further submitted that all the witness in the present case are the officials of investigating agency, hence, there is no chance of influencing of the witnesses and tamper with the evidence. It is further submitted that no photography or videography of the proceedings of the alleged recovery was made in the present case. It is further submitted that investigation has already been completed in the present case

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and he is no more required for further investigation and the conclusion of trial shall take further considerable time in its conclusion. It is further submitted that the applicant is having clean antecedents and he is not involved in any other case. With these submissions prayer is made for grant of regular bail.

On the other hand, Ld. Chief P. P. for the state has strongly opposed the present bail application on the ground that huge quantity of contraband has been recovered in the present case, which is a commercial quantity and therefore, bar u/s 37 of NDPS Act is applicable. Ld. Addl. P.P has prayed for the dismissal of the present bail application of the accused.

In the present case, allegations against the accused/applicant are under section 20/25/29 of NDPS Act. Perusal of record reveals that in the present case, 21.06 Kg of Ganja was recovered from the possession of accused persons, which is commercial quantity, therefore, bar u/s 37 of NDPS is made out in the present case.

Investigation of the present case has already been completed and chargesheet has already been filed. Charges are yet to be framed against the accused/applicant. Previous bail application of the accused/applicant was dismissed on 20.05.2025. Applicant/accused is also involved in other criminal cases. The allegations against the applicant/accused are serious in

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nature. Further, an another co-accused person is already declared PO in the present case. The contentions raised by the Ld. Counsel regarding no photography or videography of the proceedings of the alleged recovery, non-joining of public witness and non-compliance of provisions of NDPS Act, if any, are matter of trial and same can be ascertained after the recording of the testimonies of the relevant PWs.

Considering the matter in totality, the facts and circumstances of this case, gravity of offence, the nature of serious allegations leveled against the applicant, this Court is not inclined to allow this application of the applicant/accused, at this stage. Accordingly, the present bail application stands dismissed.

Nothing stated hereinabove shall tantamount to any expression of opinion on the merits of the case.

A copy of this order be given dasti, as prayed for. Copy of the order be also sent to the concerned Jail Superintendent for information.

(SATVIR SINGH LAMBA)
ASJ/SPECIAL JUDGE (NDPS),
WEST DISTRICT, DELHI/19.07.2025