

SC 439/2024
STATE Vs. VIKAS @ VICKY
FIR no.21/2024
PS Crime Branch-West Delhi

30.04.2025

Pr: Sh. Subhash Chauhan, Ld. Addl. 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 Lal Mohammad for grant of bail.

Remaining arguments heard. Clarifications sought.

Ld. counsel for the applicant submits that applicant/accused has been erroneously named in the FIR and the allegations against the applicant/accused are false & baseless. It is further submitted that the applicant/accused is in JC since the date of his arrest. It is further submitted that the investigation has already been completed and chargesheet has also been filed in the present case. It is further submitted that the custodial interrogation of the applicant/accused is no more required in the present case. The conclusion of trial will take long time. It is further submitted that co-accused is already on bail in the present case. With these submissions prayer is made for grant of bail.

On the other hand, Ld. Addl. 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,

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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, as per the version of prosecution on 27.02.2021, a secret information was received at around 08:23 PM that the co-accused Vikas @ Vicky will come near Fire Station Paschim Vihar in his car to deliver Heroin to someone. Accordingly, a raiding team was made and trap was laid at the spot. It is alleged that accused came at the spot in his car and waited their for around five minutes. It is further alleged that when the co-accused is about to leave from the spot, members of raiding team has apprehended him and 460 Grams of Heroin was recovered from his possession.

During the investigation, co-accused Vikas @ Vicky disclosed that he used to procure heroin from his brother in law Mangu @ Mangat Ram & from one Ashu. Co-accused Vikas @ Vicky further disclosed that he used to supply the contraband to the applicant/accused & co-accused Sattan @ Satyan Mandal. Thereafter, accused/applicant was arrested and he disclosed that he is addicted to smack and used to sell the contraband @ Rs.350/- per Pudia. Applicant/accused also disclosed that contraband recovered from the possession of the co-accused Vikas @ Vicky was ordered by him. The accused persons are chargesheeted for the offence u/s 21/25/29 NDPS Act.

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The accused was arrested in the present case on the basis of disclosure statement of co-accused person. Nothing incriminating has been recovered from the possession of the applicant/accused. Main accused from whose possession, contraband was recovered is already on bail. The conclusion of the trial shall take considerable time.

Considering the facts and circumstances of the present case, keeping in view the submissions and without reflecting much on the merits of the case, at this stage, the applicant/accused is admitted to bail upon furnishing of personal bond in sum of ₹30,000/- each with one surety of the like amount, subject to following conditions:

- i) That the accused will not jump the bail and will appear in the court regularly.
- ii) That accused shall not indulge into similar offence or any other offence in the event of release on bail.
- iii) That accused shall not tamper/influence any evidence/witness in any manner.
- iv) That in case of change of residential address, accused shall intimate the court about the same within a week.

Nothing stated hereinabove shall tantamount to be an expression of final opinion on the merits of the case. With above

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observations, application stands disposed off accordingly.

Copy of the 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/30.04.2025