

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

**24.10.2024**

Pr: Sh. Subhash Chauhan, Ld. Addl. PP for the State.  
Ld. Counsel for the applicant/accused.  
HC Nihal on behalf of the IO.

File perused. Heard.

This is an application u/s 483 BNSS for grant of bail filed on behalf of the applicant/accused Vikas @ Vicky seeking interim bail on the ground of illness of his wife.

Reply/verification report filed on behalf of the IO. Copy supplied.

Arguments heard. Record gone through.

It is submitted by the Ld. Counsel that accused was arrested in the present case on 29.01.2024 and since then he is in JC. It is further submitted that the wife of the applicant/accused is suffering from heart disease "Atrial Septal Defect" and is undergoing treatment from long time. It is further submitted that the health condition of the wife of the applicant is now deteriorating day by day and the concerned doctor has advised for operation within two months. It is further submitted that the presence of the applicant/accused is essential to arrange the funds for treatment, blood etc. for her medical treatment. It is further submitted that there is no one in the family to take care of his

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wife. It is further submitted that the co-accused Satyan Mandal and Sunil @ Rahul are already on bail. With these submissions prayer is made for grant of bail.

On the other hand Ld. Addl. PP for the state has strongly opposed the present application of the accused on the ground that the allegations against the accused are serious in nature and the possibility of tempering of evidence and influencing of witness and fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail. Ld. Addl. PP for the state further submits that the recovery in the present case is commercial in nature and there is bar u/s 37 of NDPS Act regarding the bail. Ld. Addl. P.P has prayed for the dismissal of the present bail application of the accused on the ground that mother of the accused is available to look after his wife.

Brief facts of the case are that on 27.01.2024, applicant/accused was apprehended on the basis of secret information and 460 grams of Heroin was recovered from him. Accordingly, after compliance of due process accused was arrested and present case was registered. In the present case chargesheet has been filed for the offence u/s 21/25/29 of NDPS Act.

Total recovery in the present case is 460 grams of Heroin, which is commercial quantity and therefore, bar u/s 37 of NDPS Act is applicable. Allegations against the accused are serious in

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nature. Applicant/accused is also involved in several other criminal cases. Thus, considering the overall facts and circumstances of the present case and without commenting upon merits of the case, application filed on behalf of the applicant/accused is dismissed, at this stage.

Nothing discussed here-in-above shall tantamount to be an expression of opinion on the merits of the case.

Application is disposed off accordingly.

Copy of the order be given dasti.

Copy of the order be also sent to the concerned Jail Superintendent.

**(SATVIR SINGH LAMBA)**  
**ASJ/SPECIAL JUDGE (NDPS),**  
**WEST DISTRICT, DELHI/24.10.2024**