

FIR No.75/17
P.S. Crime Branch
u/s 21/29 NDPS Act &
Sec.14 of Foreigners Act
State V/s Brajesh Kumar Garg etc.

05.01.2018 (11:30 AM)

Present : Mr. Shyam Mohan Jaiswal, Ld. Substitute Addl. PP for State. Mr. K.D. Pachauri, the regular Addl. PP of this court is on leave from 03.01.2018 to 06.01.2018.

Accused no.1 Brajesh Kumar Garg on bail.

Accused no.2 Ejime David produced from J/C.

Mr. Surender Tyagi, Ld. Counsel for both the accused persons.

Heard. Perused the record.

Arguments on pending third bail application of accused no.2 Ejime David heard. Report of ASI Arun Kumar has been received. Perused the record.

It is submitted on behalf of accused Ejime David that he is custody since 24.05.2017; that he has been falsely implicated in this case; that co-accused has already been granted bail in this case; that the recovery has been planted upon him.

Per contra, the present bail application has been vehemently opposed on behalf of State stating that on receipt of a secret information, a raid was conducted and accused Ejime David, an African national and co-accused Brajesh were apprehended with 100 Grams and 160 Grams of Heroin respectively in their possession, however, third accused Sandeep fled away from the spot in Fortuner vehicle bearing no.CH-01-AJ-7337; that accused Brajesh and Sandeep came to Delhi from Punjab in said vehicle to receive the contraband from accused Ejime David; that similar earlier two bail applications of accused have been dismissed vide orders dated 12.07.2017 and 14.09.2017 and since then there is no change in circumstances; that the possibility of this accused fleeing away from the justice cannot be ruled out completely in case he is granted bail.

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It is pertinent to mention that as per the report of ASI Arun Kumar filed today, the photocopy of tenant verification form and passport of accused Ejime David, provided by his landlord to police, revealed the identity of this accused as Alex S/o Brown R/o H.No.38, Acafe Town Prewtovia, South Africa and as per verification from FRRO and Embassy of Nigeria, the details of this accused are not traceable due to incomplete details.

In view of abovesaid discussion, keeping in view the facts and circumstances of this case and the fact that similar bail applications have already been dismissed vide orders dated 12.07.2017 and 14.09.2017 and since then there is no change in circumstances and the case is at the initial stage, where even the charge has not been framed, no ground for bail is made out, hence, rejected.

As per the report on the process u/s 83 Cr.P.C. of co-accused Sandeep, this accused was not found at the given address and he is absconding intentionally and no movable or immovable property was found in his name. In these circumstances, let the process servers qua the processes u/s 82 and 83 Cr.P.C., of accused Sandeep be summoned for recording of their statements on 06.02.2018.

Also, put up for arguments on charge qua accused Brajesh Kumar and Ejime David on 06.02.2018.

(DR. SHAHABUDDIN)
ASJ/Special Judge(NDPS)
West District/THC/05.01.2018