

Bail Matters 985/2025
STATE Vs. RAJ KUMAR @ BULBUL
FIR NO. 924/2024
PS Narela Ind. Area
U/s 21/25/29 NDPS Act

10.06.2025

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Rajkuamar @ Bulbul, placed before me being Vacation Judge in terms of Order No. 17977-18016/F2(9)/Judl./Vac/North/2025 dated 02.06.2025 of the Ld. Principal District & Sessions Judge (North), Rohini Courts, Delhi.

Present: Dr. Raj Rani,, Ld. Addl. PP for the State.

Ms. Babita, ld. Counsel for applicant/accused.

IO SI Raj Kumar in person.

Reply to the bail application filed by the IO. Copy supplied.

1. Briefly stated, on 07.10.2024, co-accused Safikul was arrested and 274 gram heroin was recovered from his possession. During interrogation, accused Safikul disclosed that he procured the recovered heroin from one Bulbul/applicant herein and Parveen for further supply. During PC remand, accused Safikul further disclosed that he also procured the heroin from Mariyam, who is wife of applicant/accused Raj Kumar @ Bulbul.

During investigation, on 25.10.2024 at about 02:10 AM, acting upon secret information, applicant/accused Rajkumar @ Bulbul, Parveen and Mariyam, who came at 100 Foota Road, F Block, JJ Colony, Delhi in Vehicle No. DL 8CAZ 2492, were

apprehended. After compliance of section 50 NDPS Act, vehicle was searched and one black colour polythene packet was recovered from under the driver seat. Upon checking the said polythene, one more transparent polythene packet (duly tied with rubber band) containing brown colour powdery substance was recovered. On checking the substance, it was found to be 378 gram Heroin. Recovered contraband was seized. Thereafter, the raiding team alongwith apprehended accused persons left the spot at around 06:05 AM on 25.10.2024 and reached at Narcotics Cell, OND. Thereafter, accused Raj Kumar @ Bulbul was arrested at about 06:30 AM and accused Parveen and Mariyam were arrested at about 07:00 AM and 07:30 AM respectively.

2. It is argued on behalf of accused/applicant that he has been falsely implicated in this case and he is in JC since 25.10.2024. It is further submitted that nothing incriminating was recovered from the possession of accused/applicant and there was no legal evidence to prove that accused/applicant was in conscious possession of contraband. It is further submitted that there is non compliance of provision of section 42 NDPS Act as police officials, who made search of car were not authorized by ACP or any other Gazetted officer and they neither called any Gazetted Officer or Magistrate from the nearby area. It is further submitted that no independent witnesses have been joined during the search and seizure of alleged recovery. It is further submitted that in the present case, there was no prior permission to arrest accused/applicant despite there was a prior information as alleged by the police. It is further submitted that co-accused Mariyam and Parveen have already been admitted to bail. Hence,

it is prayed accused/applicant be released on bail on the ground of parity as he is ready to abide with any condition imposed by the court.

3. Per contra, Ld. Addl. PP for the State has vehemently opposed the bail application stating that allegations against the accused/applicant are serious in nature. He was found in possession commercial quantity of 378 gram heroin. It is further submitted that accused/applicant is a habitual offender and he is involved in four cases of NDPS Act i.e., FIR No. 36/2021 PS Gulabi Bagh, FIR No. 158/2021 PS Timarpur, FIR No. 25/2008 PS Lahori Gate and FIR No. 45/2014 PS Crime Branch and there is every likelihood that accused/applicant may commit further offence of similar nature, if he be released on bail.

4. I have duly heard the arguments advanced by both the sides and perused the record.

5. The allegations against the accused/applicant are serious in nature. He was found in possession commercial quantity of 378 gram heroin. It is further submitted that accused/applicant is a habitual offender and he is involved in four cases of NDPS Act i.e., FIR No. 36/2021 PS Gulabi Bagh, FIR No. 158/2021 PS Timarpur, FIR No. 25/2008 PS Lahori Gate and FIR No. 45/2014 PS Crime Branch

The ground of parity as prayed by Id. Counsel for applicant/accused, is not available to the present applicant/accused as the bail is granted to co-accused Mariyam and

Parveen only on the basis of violation of Section 43(5) BNSS and as such no plea has been raised by Id. Counsel for the applicant/accused in this regard.

Considering the previous involvement of accused/applicant and the fact that 378 grams heroin which falls into the category of commercial quantity recovered from the possession of accused/applicant and since, bar under Section 37 NDPS attracted, **no ground is made out for grant of bail to accused/applicant. Therefore, the application moved on behalf of the accused/applicant stands dismissed.**

Accordingly, the application is disposed off.

6. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

7. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(VANDANA)
Vacation Judge/ASJ-02(North)
Rohini Courts Delhi
10.06.2025