

SC No. 44/2023
State v. Munish Ahmad & Anr
FIR No. 365/2022
P.S Special Cell

15.12.2023

Present: Sh. Irfan Ahmed, Ld. Addl. PP for State.

Accused Munish Ahmad and Mabia Khatoon
produced from j.c.

Sh. R. H. A. Sikander, Ld. LAC for accused Mabia
Khatoon and Amicus Curiae for accused Munish
Ahmad.

Sh. Daviender Hora, Ld. Counsel for accused
Munish Ahmed.

**Today matter is fixed for arguments on discharge
application u/s 227 CrPC and also on the point of charge.**

Sh. R. H. A. Sikander submits that he seeks
discharge as amicus curiae for accused Munish Ahmed as he has
engaged a private counsel who has also filed bail application on
his behalf.

On being asked, accused Munish Ahmed also
confirmed that from now onwards, Sh. Daviender Hora will be
his counsel.

Sh. Daviender Hora, Ld. Counsel for accused
Munish Ahmed submits that his vakalatnama for accused Munish
Ahmed is already on record.

**In view of the submissions made, Sh. R. H. A.
Sikander stands discharged for accused Munish Ahmed.**

Arguments heard on the bail application as well as
on the discharge application u/s 227 CrPC of accused Munish
Ahmed and on the point of charge.

: 2 :

Ld. LAC for accused Mabia Khatoon submits that arguments have also been advanced on discharge application of accused Mabia Khatoon.

Vide separate order of even date, the bail application of accused Munish Ahmed is dismissed.

List the matter for order on charge as well as on discharge application on **19.12.2023**.

(Dr. Hardeep Kaur)
ASJ-02, NDD/PHC/New Delhi
15.12.2023

: 1 :

SC No. 44/2023
State v. Munish Ahmad
FIR No. 365/2022
P.S Special Cell
U/s 489B/489C/34 IPC

15.12.2023

Present: Sh. Irfan Ahmed, Ld. Addl. PP for State.

Sh. Daviender Hora, Ld. Counsel for applicant
/accused Munish Ahmed.

Present is an application moved on behalf of applicant/accused Munish Ahmed for grant of bail.

Reply filed by the IO to the bail application.

It is submitted by Ld. Counsel for applicant/accused that first bail application of applicant has been dismissed vide order dated 17.04.2023. It is further submitted that as per the material available on record, no case is made out against the applicant/accused for the offence punishable u/s 489B IPC as he was not at all indulged in trading or supply of FICN and the only case which can be made out against him is of the possession which is a bailable offence. It is further submitted that applicant/accused has nothing to do with the alleged offence and recovery of FICN has been planted upon him. It is further submitted that investigation qua applicant/accused is already complete; charge-sheet has already been filed and no fruitful purpose would be served by keeping him behind the bars as trial in the instant matter is likely to consume considerable time.

Ld. Addl. PP has vehemently opposed the bail application arguing that on receipt of secret information on 07.12.2022 regarding presence of accused Munish Ahmed, who

: 2 :

was already indulged in circulation of FICN, at Anand Vihar Railway Station and would come there to receive the delivery of consignment of FICN, a raiding team was constituted and reached at the place of information from where accused Munish Ahmed and Mabilia Khatoon were apprehended when accused Mabilia Khatoon handed over one bundle to present applicant. It is further submitted that from the possession of applicant/accused Munish Ahmed, 200 FICN in the denomination of Rs.500/- each (totalling Rs.1,00,000/-) were recovered whereas accused Mabilia Khatoon was found in possession of 195 notes in the denomination of Rs.500/- each.

It is further submitted that both the accused persons were involved in supply of FICN from last many years and have already circulated FICN worth Rs.4-5 lacs in the market. It is further submitted that the recovered FICN were procured from co-accused Wasim @ Chhotu for further supplying the same to applicant/accused Munish Ahmed. It is further submitted that applicant/accused is previously involved in four other cases (i.e. three FICN cases and one extortion case). It is further submitted that applicant/accused is a habitual offender, there is every likelihood that he may indulge in similar offence and may hamper the fair course of trial.

Submissions heard. Record perused.

In the present case, allegations are serious in nature. Applicant/accused was apprehended when one bundle containing the FICNs was handed over to him by co-accused Mabilia Khatoon. Huge amount of FICNs have been recovered from the possession of present accused. Besides the present case, applicant/accused is also involved in four more cases. I concur

: 3 :

with Ld. Addl. PP that there is every likelihood that applicant/accused may indulge in similar offence. The first bail application of applicant/accused has already been dismissed on 17.04.2023.

In view of the above submissions, I do not find any ground to release the applicant/accused on regular bail at this stage. The present bail application stands dismissed.

Application is disposed off accordingly.

Copy of this order be given dasti.

(Dr. Hardeep Kaur)
ASJ-02, NDD/PHC/New Delhi
15.12.2023