

**IN THE CITY CIVIL AND SESSIONS COURT AT
AHMEDABAD**

NIA-CRIMINAL MISC. APPLICATION NO.34 OF 2020.

Applicant :

1. RAZAK ADAM SUMRA

Age: 41 years,

Residing At:

Amrani Faliyu, Village- Baag,
Mandvi,
Dist-Kutch (West).

(Presently in Central Jail, Sabarmati)

VERSUS

Opponent:

1. STATE OF GUJARAT (N.I.A.)

Appearance:

Learned Advocate Mr.O.K.Barot for the applicant.
Learned Spl.P.P. Shri M.G.Kapadia for the opponent.

Judgment

1. Present application has been preferred by the present applicant / accused, under Section 439 of the Cr.P.C., for the purpose of releasing the applicant / accused on temporary bail for the period of 30 days.
2. The applicant has been arrested in connection with the offence registered with the A.T.S. Police Station, Dist. Ahmedabad vide C.R.No.1-01/2018 for the offence punishable under Section 8(c), 21(C), 24, 25, 27(A) and 29 of N.D.P.S. The offence pertains to a criminal conspiracy by arrested accused A-1 to A-8 for smuggling and distribution of 500 Kg of illegal narcotic drugs(heroin) from Pakistan to Gujarat, India by Sea

route. After filing of chargesheet in the Special NDPS Court, Jam-Khambaliya, Gujarat on 23.01.2019, the case was re-registered with NIA as RC-26/2020/NIA/DLI dated 02.07.2020 and subsequently, NIA took over the investigation and got transferred all the case papers/documents/articles alongwith the physical custody of all the 8 arrested accused persons from the NDPS Court, Jamkhambaliya to NIA, Special Court, Ahmedabad, Gujarat.

3. Learned Advocate Mr.O.K.Barot appearing on behalf of the applicant has submitted that the sister of the applicant namely "Hamidabai" expired on 01.10.2020 and that the applicant has to perform certain post death rituals of his sister. It is also submitted by the applicant that he is having liability of family members and the economic condition of family is also not good and hence, considering the present situation, the applicant has sought the temporary bail for the period of 30 days.
4. Learned Special Public Prosecutor Shri M.G.Kapadia has produced the Reply vide Exh.04 and submitted that the applicant's sister death occurred on 01.10.2020 and the last rites have already been performed and hence, there is no valid ground for his release on temporary bail. It is also submitted that the present applicant is Accused no.6 in the chargesheet and prima facie material on record discloses the involvement of applicant/accused no.6 in the present case and hence, prayed to reject the present bail application.
5. Heard the learned advocate Mr.O.K.Barot appearing for accused and the Ld.SP.PP Mr.M.G.Kapadia appearing for State, through the video conference and considered the submission placed by both the sides.

6. At this stage, considering the fact that the sister of the present applicant/accused expired on 01.10.2020 and applicant being brother has to perform the necessary rites and rituals pertaining to the post death and hence, keeping in mind the present situation as well as the gravity of offence, this Court is of the view that it would be fit and proper to release the applicant on temporary bail for two days i.e. 19.10.2020 and 20.10.2020 respectively, with the police japta, to perform the necessary post death rituals of his deceased sister. Hence, I pass following order:

:: ORDER ::

- a) The present application is hereby partly allowed.
- b) The present applicant - Razak Adam Sumra, is hereby released on temporary bail for two days i.e. on 19.10.2020 and 20.10.2020, with police Japta, upon depositing the amount as per the Police Manual.

Yadi be sent to the concerned Jail Authorities. Yadi be also sent to the N.I.A.

Pronounced in the open Court today, on 15th October, 2020.

City Sessions Court,
Ahmedabad.
Date: 15.10.2020

(Ms. Shubhada Krishnakant Baxi)
Special Judge (NIA), Ahmedabad.
Unique I.D. Code No. GJ00377