

**Bail Application No.R-  
State vs. Gopal  
FIR No.264/2019  
U/s.302 IPC  
PS: Vasant Kunj (South)**

**22.08.2020**

Present : Sh. Dharam Chand, Addl. PP for State, through VC.  
Sh. Vikram Singh, Ld. LAC for applicant/accused Gopal,  
through VC.

Present is an application for grant of interim bail for a period of two months on medical ground i.e. fracture of left hand filed on behalf of the applicant/accused Gopal s/o Sh. Suraj Singh, through Jail Superintendent, Tihar, New Delhi.

Let the report regarding medical condition of the applicant/accused be called from the concerned jail authorities for 25.08.2020.

Order be uploaded on the website of Delhi District Court.

**PRAVEEN SINGH** Digitally signed by PRAVEEN SINGH  
Date: 2020.08.22 16:22:57 +05'30'

**(Parveen Singh)  
ASJ-03/NDD/PHC/New Delhi  
22.08.2020**

It is certified that Video Conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised by either of the parties regarding the connectivity i.e. audio or visual quality.

**Reader/22.08.2020**

**Bail Application No. 1689/2020**  
**State Vs. Jagbir**  
**FIR No. Not Known**  
**U/s. Not Known**  
**PS : Vasant Kunj (N)**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Mrigank Shankar, Ld. Counsel for applicant Jagbir  
(through Video conferencing).  
Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video  
conferencing).

E-reply of IO/SI Sanjeev from P.S. Vasant Kunj (N) has been filed.

In the aforesaid e-reply, it is mentioned that the applicant is registered and active B.C. of P.S. Vasant Kunj (N) and is involved in number of cases, but is not present at home from last 2-3 months and was routinely checked and kept surveillance upon by the beat staff. It is further mentioned no fresh FIR is registered against him.

From the aforesaid e-reply, it is clear that neither any FIR is

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registered against the applicant nor any complaint is pending against him. Hence, the application U/s 438 Cr.P.C. for grant of anticipatory bail is dismissed being not maintainable.

Application is accordingly disposed of.

Dasti to all concerned.

Bail application file be consigned to record room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**

**Roster Judge**

**ASJ-01/Special Court POCSO**

**NDD/PHC/ND/22.08.2020/A**

**Bail Application No. 1679/2020**  
**State Vs. Santosh Kumar**  
**FIR No. 38/2020**  
**U/s. 498A/306/34 IPC**  
**PS : Tughlak Road**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Ms. Santosh Mishra and Sh. Rudra Pratap, Ld. Counsels for applicant/ accused Santosh Kumar.

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/SI Ranjeet Singh in person.

IO has submitted that formal notice to applicant to join the investigation on 21.08.2020 was served upon his brother on 20.08.2020, which is deemed service of the applicant as per Cr.P.C. I.O. has further submitted that he shall file the charge-sheet on 24.08.2020.

IO undertakes to file detailed status report qua specific role of the applicant and material collected against him so far. In case the

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IO files the charge-sheet, the same be requisitioned for next date of hearing.

Re-notify on 25.08.2020.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge**  
**ASJ-01/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/A**

**Bail Application No. 1577/2020**  
**State Vs. Jeetu**  
**FIR No. 52/2019**  
**U/s. 376AB/363 IPC & Section 6 of POCSO Act**  
**PS : Inder Puri**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Narender Malawaliya, Ld. Counsel for applicant/ accused Jeetu (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

Ms. Bedashree Borah, Ld. Counsel for the victim from DCW (through Video Conferencing).

IO/WSI Anita (through Video Conferencing).

E-reply of IO has already been filed.

Issue e-notice to the victim/informant as per Annexure 'A' through I.O.

At request of Ld. Counsel for applicant, issue e-notice to Jail Superintendent to file detailed status report qua the medical condition of the

Contd.....2

applicant.

Re-notify on 25.08.2020.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge**  
**ASJ-01/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/A**

**Bail Application No. 1620/20**  
**State Vs. Shrivats Rathi**  
**FIR No. 149/20**  
**U/s. 420/34 IPC**  
**PS : Vasant Kunj (S)**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Tanmaya Mehta, Ld. Counsel for applicants/accused Shrivats Rathi  
(through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

Heard. Perused.

Ld. Counsel for applicant has submitted that there is substantial progress in settlement talks between the parties and the matter is fixed before Mediation Centre for 26.08.2020 and has requested a date thereafter may be given and interim protection of the applicant may be extended. Ordered accordingly.

Re-notify on **07.09.2020**. Dasti to all concerned.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**



**Bail Application No. 910/20**  
**State Vs. Uma Rathi**  
**FIR No. 149/20**  
**U/s. 420/34 IPC**  
**PS : Vasant Kunj (S)**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Tanmaya Mehta, Ld. Counsel for applicants/accused Uma Rathi  
(through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

Heard. Perused.

Ld. Counsel for applicant has submitted that there is substantial progress in settlement talks between the parties and the matter is fixed before Mediation Centre for 26.08.2020 and has requested a date thereafter may be given and interim protection of the applicant may be extended. Ordered accordingly.

Re-notify on **07.09.2020**. Dasti to all concerned.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Bail Application No. 911/20**  
**State Vs. Arun Rathi Rathi**  
**FIR No. 149/20**  
**U/s. 420/34 IPC**  
**PS : Vasant Kunj (S)**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Tanmaya Mehta, Ld. Counsel for applicants/accused Arun Rathi  
(through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

Heard. Perused.

Ld. Counsel for applicant has submitted that there is substantial progress in settlement talks between the parties and the matter is fixed before Mediation Centre for 26.08.2020 and has requested a date thereafter may be given and interim protection of the applicant may be extended. Ordered accordingly.

Re-notify on **07.09.2020**. Dasti to all concerned.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Bail Application No. 1688/20**  
**State Vs. Dipan Kumar Sahu**  
**FIR No. Not Known**  
**PS : Kishangarh**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Satya Ranjan Swain, Ld. Counsel for applicant Dipan Kumar Sahu  
(through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

E-reply of SI Sanjay Kumar, PS Kishangarh has been filed.

Heard. Perused.

From the e-reply of SI Sanjay Kumar it appears that estranged wife of the applicant had made some complaint against him to the Delhi Commission for Women.

Ld. Counsel for applicant has submitted that the said complaint was addressed by the wife of the applicant to National Commission for Women, which has been forwarded to DCP concerned and the applicant genuinely apprehends that the FIR may be registered and he may be arrested.

However from the aforesaid e-reply it is clear that any FIR is not registered and no such complaint is pending before the concerned police station or received from DCP concerned for necessary action. Thus there is no genuine apprehension of arrest of the applicant as of now. Thus the application u/s 438 Cr.P.C. for grant of anticipatory bail is dismissed being pre-mature. However the applicant is at liberty to move afresh as and when any such complaint is received by concerned police station or FIR registered in the matter. Application is accordingly disposed of. Dasti to all concerned.

Bail application file be consigned to the Record Room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Bail Application No. 1683/20**  
**State Vs. Islam**  
**FIR No. 232/20**  
**U/s. 308/34 IPC**  
**PS : Vasant Kunj (N)**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Atul Kharbanda, Ld. Counsel for applicant/ accused Islam (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

E-reply of IO/SI Dharmendra has been filed.

Heard. Perused.

Ld. Counsel for applicant has submitted that the applicant was granted interim bail for 45 days vide order dated 28.05.2020 by this Court which was further extended for another 45 days vide order dated 09.07.2020 by Sh. Sanjay Khanagwal, Ld. Roster Judge, PHC, New Delhi and has relied upon a judgment of Hon'ble High Court of Delhi passed in *W.P. (C) 3080/2020 titled as 'Court On Its Own Motion Vs. Govt. of NCT of Delhi & Anr'*, to submit that interim bail of the applicant has to be extended till 31.08.2020 in terms of the said judgment.

In view of the aforesaid order in the writ petition, the interim bail of the **applicant/accused Islam** stands extended till 31.08.2020 on the same terms and conditions as mentioned in his previous interim bail order dated 28.05.2020.

The application for extension of interim bail is accordingly disposed of. Dasti to all concerned.

E-copy of this order be served upon the concerned Jail Superintendent to ensure compliance.

Bail application file be consigned to the Record Room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Application No. 1687/20**  
**State Vs. Ram Pyari**  
**FIR No. 298/20**  
**U/s. 376/354/354B/323/506/109/509/34 IPC**  
**PS : Delhi Cantt.**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Ms. Gita Dhingra, Ld. Counsel for applicant Ram Pyari (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/WSI Radha in person.

Prosecutrix in person.

Signed reply of WSI Radha has been filed.

Heard. Perused.

On submissions of Ld. Counsel for applicant, Ld. Addl. PP has submitted that the husband and *devar* (brother-in-law) of the prosecutrix/complainant have already been granted regular bail vide order dated 10.08.2020 by this Court and that the applicant is the mother-in-law and there there is no allegation for the offences u/s 376/354B/509 IPC against the applicant.

Ld. Counsel for applicant has submitted that the applicant may be granted 7 days advance pre-arrest notice.

Keeping in view the totality of the aforesaid facts and circumstances of the case, it is ordered that in case the investigating agency decides to arrest the applicant, it

shall give 7 days advance pre-arrest notice to the applicant. However, applicant is directed to join the investigation as and when called and thoroughly cooperate in the same.

Application is disposed of accordingly. Dasti to all concerned.

Application file be consigned to the Record Room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**



**Application No. 1685/20**  
**State Vs. Shyam Lal**  
**FIR No. 298/20**  
**U/s. 376/354/354B/323/506/109/509/34 IPC**  
**PS : Delhi Cantt.**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Ms. Gita Dhingra, Ld. Counsel for applicant Shyam Lal (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/WSI Radha in person.

Prosecutrix in person.

Signed reply of WSI Radha has been filed.

Heard. Perused.

On submissions of Ld. Counsel for applicant, Ld. Addl. PP has submitted that the husband and *devar* (brother-in-law) of the prosecutrix/complainant have already been granted regular bail vide order dated 10.08.2020 by this Court and that the applicant is the father-in-law and there there is no allegation for the offences u/s 376/354B/509 IPC against the applicant.

Ld. Counsel for applicant has submitted that the applicant may be granted 7 days advance pre-arrest notice.

Keeping in view the totality of the aforesaid facts and circumstances of the case, it is ordered that in case the investigating agency decides to arrest the applicant, it

shall give 7 days advance pre-arrest notice to the applicant. However, applicant is directed to join the investigation as and when called and thoroughly cooperate in the same.

Application is disposed of accordingly. Dasti to all concerned.

Application file be consigned to the Record Room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Application No. 1684/20**  
**State Vs. Pardeep**  
**FIR No. 298/20**  
**U/s. 376/354/354B/323/506/109/509/34 IPC**  
**PS : Delhi Cantt.**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Ms. Gita Dhingra, Ld. Counsel for applicant Pardeep (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/WSI Radha in person.

Prosecutrix in person.

Signed reply of WSI Radha has been filed.

Heard. Perused.

On submissions of Ld. Counsel for applicant, Ld. Addl. PP has submitted that the husband and *devar* (brother-in-law) of the prosecutrix/complainant have already been granted regular bail vide order dated 10.08.2020 by this Court and that the applicant is the elder brother-in-law and there there is no allegation for the offences u/s 376/354B/509 IPC against the applicant.

Ld. Counsel for applicant has submitted that the applicant may be granted 7 days advance pre-arrest notice.

Keeping in view the totality of the aforesaid facts and circumstances of the case, it is ordered that in case the investigating agency decides to arrest the applicant, it

shall give 7 days advance pre-arrest notice to the applicant. However, applicant is directed to join the investigation as and when called and thoroughly cooperate in the same.

Application is disposed of accordingly. Dasti to all concerned.

Application file be consigned to the Record Room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Bail Application No.1680/20**  
**State Vs. Manish Pandey**  
**FIR No.52/19**  
**U/s. 420/511/468/471/120B IPC**  
**PS : Connaught Place**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Sanjay Dubey, Ld. Counsel for applicant/ accused Manish Pandey  
(through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/SI Sandeep Kumar Ahlawat in person.

E-reply of IO/SI Sandeep Kumar Ahlawat has been filed.

Heard. Perused.

On submissions of Ld. Counsel for applicant, IO has admitted that although no allegation has been levelled by the victims against the applicant that he met them, gave any assurance or played overt role in the commission of offences, but has stated that the applicant was part of the conspiracy and that he had sent photo of the victim from his mobile phone through Whatsapp to co-accused Sunil Kumar Yadav for collecting the money from the victim in the guise of providing the employment as 'Mali' in NDMC.

During the course of arguments, the IO has agreed that he shall not arrest the applicant till next date provided that the applicant joins the investigation and thoroughly cooperates in the same.

IO undertakes to file detailed status report on the NDOH including admissible available against the applicant and on what points custodial interrogation of the applicant, if any, is needed. Accordingly the applicant is directed to join the investigation as and when called and thoroughly cooperate in the same.

Re-notify on **05.09.2020**.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**Bail Application No. 1686/20**  
**State Vs. Abhishek Gautam**  
**FIR No. 13/20**  
**U/s. 354D/354/506/509 IPC & 67 IT Act**  
**PS : Kishan Garh**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Pradeep Kataria, Ld. Counsel for applicant/accused Abhishek Gautam  
(through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

Ms. Poonam, Ld. Counsel for complainant (through Video Conferencing).

IO/Insp. Sanjay Kumar in person.

Signed reply of IO/Insp. Sanjay Kumar has been filed.

Heard. Perused.

IO admits that he shall not arrest the applicant till NDOH in case the applicant joins the investigation today itself at 5 PM with him in the concerned PS and thereafter as and when called and thoroughly cooperates in the investigation.

Ld. Counsel for applicant has agreed that the applicant shall join the investigation with the IO in the concerned PS at 5 PM today itself and shall further join as and when directed and shall also thoroughly cooperate in the same.

IO undertakes to file detailed up-to-date status report on NDOH including admissible material available against the applicant and as to whether the custodial interrogation of the applicant is required and if so, on what points.

Re-notify on **01.09.2020**.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**



**Bail Application No. 1692/20**  
**State Vs. Sunita Golcha & Ors.**  
**FIR No. 488/20**  
**U/s. 406/420/34 IPC**  
**PS : Vasant Kunj (S)**

**22.08.2020**

*Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.*

Present : Sh. Sanjay Gupta, Ld. Counsel for applicant/ accused Sunita Golcha (through Video conferencing).  
Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).  
Sh. Shashi Pratap, Ld. Counsel for complainant (through Video Conferencing).  
IO/SI Rohit Kumar in person.

Signed reply of SI Rohit Kumar has been filed.

IO has submitted that the applicant and her family members who are other co-accused in this case, have cheated a large number of people in similar fashion and that the investigating agency needs two days time to verify as to how many such complaints have been made. Accordingly IO is directed to appear in person with detailed status report on the aforesaid aspect on NDOH.

Re-notify on **25.08.2020**.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

**(Ashutosh Kumar)**  
**Roster Judge/ASJ/Special Court POCSO**  
**NDD/PHC/ND/22.08.2020/D**

**File No. VIII/31/DZU/2020**  
**U/s 21, 29 NDPS Act**  
**NCB Vs Sabir Ansari**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Mukesh Malik, Ld. SPP for NCB through VC.  
Sh Gaurav Chandhok, Ld. counsel for accused/applicant Sabir  
Ansari through VC.

Ld. SPP for NCB requested some more time to file verification  
report of medical document of Mumbai.

At request, list this application for **26.08.2020**.

Copy of the order be uploaded on the website of New Delhi  
District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 93/18**  
**NCB Vs Devender Sen & Ors.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Mukesh Malik, Ld. SPP for NCB through VC.  
Sh R D Tyagi, Ld. counsel for accused/applicant Ram Avtar  
Tyagi through VC.

Medical report of accused Ram Avtar Tyagi received. Copy be  
also sent to Ld. counsel for accused.

Accordingly, at request, list this application for **25.08.2020**.

Copy of the order be uploaded on the website of New Delhi  
District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 133/19**  
**File No. VIII/6/DZU/2020**  
**U/s 8/22 NDPS Act**  
**NCB Vs Manoj Kumar**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through VC.  
Sh Rahul Saraswat, Ld. Counsel for applicant/accused Manoj  
Kumar through VC.

Ld. SPP for NCB requested short time to file reply.

At request, list this application for **02.09.2020**.

Copy of the order be uploaded on the website of New Delhi

District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**FIR No. 154/2020**  
**PS Spl Cell**  
**U/s 21/29/61/85 NDPS Act**  
**State Vs Jaichand Saxena & Ors.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State  
through video conferencing.  
Sh S S Das, Ld. counsel for applicant/accused Shyam Babu  
Saxena through VC.

Arguments heard.

Put up for orders on **24.08.2020**.

Copy of the order be uploaded on the website of New Delhi

District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 311/2019**  
**U/s 20 & 29 NDPS Act**  
**NCB Vs Bhagwan Singh & Anr.**

22.08.2020

Present: Sh. Mukesh Malik, Ld. SPP for NCB through VC.  
Sh Sumit Sharma, Ld. counsel for applicant/accused Jai  
Bhagwan through VC.

This is an application filed on behalf of accused Jai Bhagwan/applicant to provide mobile number of IO for compliance of order passed by Hon'ble High Court of Delhi vide bail application no. 574/2020 dt 11.08.2020.

Ld. counsel submits that vide order dated 11.08.2020, Hon'ble High Court of Delhi has granted bail to the present applicant/accused Jai Bhagwan with direction that accused/applicant shall provide his contact number and telephonically mark his presence before concerned IO on alternate Monday. Ld. counsel submits that the accused do not have mobile number of IO to contact, therefore, requested the mobile number of IO, NCB.

Naib court of NCB present in the court after taking instructions from the IO submitted the mobile number of IO Rampal is 9990299266. Ld. counsel submits that the mobile number of accused is 9813015870.

As mobile number of IO is provided. No further directions required in this application.

Application is disposed of accordingly.

Copy of the order be given dasti as well as sent to IO.

Copy of the order be uploaded on the website of New Delhi District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**FIR No. 90/2016**  
**PS Crime Branch**  
**U/s 20/25/29 NDPS Act**  
**State Vs Vikas & Anr.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State  
through video conferencing.  
Sh Amit Gupta, Ld. counsel for applicant/accused Anil Sharma  
@ Pandit through VC.

Ld. counsel for accused submitted that this is an application of interim bail filed on behalf of accused/applicant on the ground that wife of accused is suffering from lung infection and her left lung is totally destroyed and doctor advised lung removal immediately so that infection of the same not to be transmitted to the right lung. Ld. counsel submits that presence of accused is required for treatment and arrange of funds, therefore accused be released on interim bail for two months. Ld. counsel submits that previously also accused was granted interim bail and had not misused the liberty of interim bail.

Ld. Addl. PP for the State submits that there is a recovery of commercial quantity of contra-band thus definite bar u/s 37 NDPS Act over release of accused on bail. Ld. Addl. PP submitted that there is nothing in the medical report when the surgery is conducted therefore no exceptional circumstances made out for release of applicant/accused on interim bail. Furthermore the guidelines of Empowered Committee of Hon'ble High Court dated 18.05.2020 are also not applicable.

Heard. The medical record is verified and as per medical opinion dated 10.08.2020, the left lung found to have been destroyed and the patient is advised to get the left lung removed so that the infection not to be transmitted to the right lung. The condition of wife of accused appears serious, therefore presence of accused is required. Accordingly,

accused/applicant Anil Sharma @ Pandit be released on interim bail for one month from the date of his release for conducting the medical treatment of his wife upon furnishing a personal bond in the sum of Rs 50,000/- with one surety of like amount. Accused Anil Sharma @ Pandit shall surrender directly before the Jail Superintendent after the expiry of the said period.

The application stands disposed of accordingly.

Copy of the order be given dasti as well as sent to accused/applicant Anil Sharma @ Pandit in jail.

Copy of the order be uploaded on the website of New Delhi District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**



**SC No. 57/2020**  
**U/s 8A, 21 (c), 23 (c), 29 NDPS Act**  
**NCB Vs Chinonso Stanley Okorie**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. P C Aggarwal, Ld. SPP for NCB through video conferencing.

Sh Gaurav Chandhok, Ld. counsel for applicant/accused Chinonso Stanley Okorie through VC.

Ld. counsel for accused submitted that this is an application for interim bail on the ground that the condition of accused is not at all well and he is not provided proper treatment in jail due to corona pandemic. Ld. counsel submits that as per the medical status report of accused from Tihar jail, it is found mentioned that accused was suffering from Grade-3 internal Hemorrhoids and advised Hemorrhoidectomy surgery. Furthermore, accused is suffering from kidney stones and Bronchial Asthma. He is also suffering pain in both sides of abdomen radiating to groin scrotum. Ld. counsel submits that due to covid pandemic, the accused is not taken to DDU referral hospital. Ld. counsel submits that condition of accused is not good therefore he be released on interim bail for about one month for treatment.

Ld. SPP submits that brief facts of case is that on secret information co-accused Noorzai Gulamin was intercepted at IGI Airport and found swallowed 119 capsules which on easing out found to have been containing 770 gm heroin. He disclosed that co-accused Nimatullah Mangal is also reaching, thereafter co-accused Nimatullah Mangal was apprehended at Airport who disclosed that he entered into the business of drug trafficking and made contacts with one person namely Allah Noor pursuant to which accused Hikmatullah Hikmati and Allah Noor were intercepted from Lajpat Nagar at the instance of Nimatullah Mangal. Allah Noor disclosed that

recovered 770 gm heroin was to be delivered to him and same to be delivered to the present accused Chinonso Stanley Okorie and pursuant to which 3.4kg of heroin was recovered and accused Godday Nmomye was intercepted however accused Chinonso Stanley Okorie and Alex Edetnelson fled away from the back side of house. Later information was received that both the accused persons were hiding in deportation centre at Lambpur thereafter upon formal request from FRRO, both the accused persons were interrogated and at instance of accused Chinonso Stanley Okorie, 220gm of Cocaine was recovered and in total 770 gm of heroin, 3.4 kg heroin and 220 gm cocaine was recovered. Accused Chinonso Stanley Okorie was found to be the mastermind and he is the person who further distributed and sell the drug to India to different persons. This accused came to India on 13.07.2009 and did not go back even after expiry of visa and he was staying illegally when intercepted. The mobile number possessed by him was also on fake ID. Ld. SPP submits that the jail authority be directed to provide proper treatment in jail to him and not to be released on medical ground, and if he released on interim bail, he may abscond. Ld. SPP further submits that number of accused who are foreign nationals when released on interim bail by this court or by the High Court of Delhi have already absconded. Furthermore the guidelines of Empowered Committee of Hon'ble High Court dated 18.05.2020 are also not applicable and there is embargo u/s 37 NDPS Act over release of accused on bail as recovery of contraband is commercial in nature.

Heard. There is a recovery of commercial quantity of contraband, thus there is definite bar u/s 37 NDPS Act over release of accused on bail. The present accused is found to be king pin who is staying in India since 2009 without valid visa and indulging in these kinds of activities. He also found absconded when the premises were raided and apprehended later on from Lambpur Deportation Camp. In these circumstances, therefore there is a reasonable apprehension that if this accused is released on interim

bail, he might abscond, however, jail superintendent is directed to provide the proper medical treatment to accused in jail for the diseases suffered by him. Accordingly, the present application for interim bail stands dismissed.

Application disposed of accordingly.

Copy of the order be given dasti as well as sent to accused Chinonso Stanley Okorie in jail.

Copy of this order be also sent to DIG, Tihar jail to ensure proper medical treatment to this accused.

Order be uploaded on Delhi District Courts website.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**FIR No. 10/19**  
**PS Spl Cell**  
**U/s 21/29 NDPS Act**  
**State Vs Panna Lal & Anr.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State  
through video conferencing.  
Sh Bhuvneshwar Tyagi, Ld. counsel for applicant/accused  
Emma through VC.

Ld. counsel for accused at the outset submitted that this is an application for bail on behalf of accused Emma however the name of accused is not Emma but Gnombley Jean Christian. Ld. counsel submits that the main accused in this case is Panna Lal from whom the entire recovery was made and no consignment was recovered from accused. Ld. counsel submits that the prosecution made baseless story that accused Emma was apprehended from the spot. However on raid, number of Nigerian were found and police shouted the name of Emma and thereafter apprehended the present accused and pressurized to accept the charge against her as Emma. The accused also not provided the passport to the prosecution on the ground that it can be used against him to accept the offence against her. Ld. counsel submits that the entire recovery is not made in presence of any public or independent witnesses. All the public are police witnesses. Ld. counsel submits that the main accused Henry who is a king pin is not apprehended. Ld. counsel submits that accused has nothing to do with this case and she is not Emma. Ld. counsel submits that even otherwise there is a covid pandemic going on and apprehension of accused of corona infection in jail, therefore accused be released on bail.

Ld. Addl. PP for the State submitted that on 17.01.2019 a secret information was received in the office of Special Cell at around 06.15 PM that one Panna Lal who is involved in supply of heroin would deliver a

consignment to Nigerian national. Thereafter on the directions of senior officers, raid was conducted. Panna Lal and Ema were apprehended and thereafter notice u/s 50 was given, concerned ACP was called and in his presence two packets of 4 kg heroin were recovered from possession of accused Ema and one packet was recovered from Panna Lal. During investigation it was revealed that they are part of big syndicate and main supplier one Nigerian Henry could not be apprehended, and accused Ema is part of syndicate who obtained consignment on the directions of Henry. Main source of supply of heroin was found to be one Faruq of MP who could not be arrested. Ld. Addl. PP submitted that previous bail application of this accused was rejected vide order dated 20.01.2020 at that stage, the accused had not taken the plea that she is not Emma but Gnombley Jean Christian. Ld. Addl. PP for the State submits that accused is the main from whom 08 kg was recovered. The recovery is commercial in nature, therefore definite bar u/s 37 NDPS Act is made out. Ld. Addl. PP submits that the accused is arrested from the spot and during her investigation, she disclosed her name as Emma and now when the matter is at this stage of evidence, she is disclosing her identity as some other person, therefore, an additional charge is likely to be framed against this accused for which an appropriate application will be moved by the State. Ld. Addl. PP submitted that this is an application for regular bail filed by accused however in prayer raised the ground to be released on interim bail also. Ld. Addl. PP submits that no ground made out for regular/interim bail. Hence, present application is liable to be dismissed.

Heard. Record perused. This is an application for regular bail as per the title however in prayer, a prayer is also made for interim bail. There is a recovery of commercial quantity of contra-band from present accused thus definite bar u/s 37 NDPS Act over release of accused on bail. On merits, the first bail application was dismissed vide order dated 20.01.2020. No fresh grounds made out for release of accused on bail. The ground that the accused is not Emma but Gnombley Jean Christian is no ground to consider bail because accused Emma was arrested from spot and herself had disclosed her

identity as Emma. She did not initiate any steps that she is not Emma during investigation before the court or till present stage. No ground made out for release of accused on bail. Hence the present application stands dismissed.

Application disposed of accordingly.

Copy of the order be given dasti as well as sent to accused in jail. Order be uploaded on Delhi District Courts website.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 156/2019**  
**NCB Vs Erbil Han & Ors.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Mukesh Malik, Ld. SPP for NCB through VC.  
Accused Arjun Elawadi on bail but not present.  
Remaining accused persons are not produced from JC.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 for further arguments on charge and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in). Accused Arjun Elawadi be informed about the next date of hearing through IO.

Copy of this order be sent to IO for compliance.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 119/2018**  
**U/s 21/23/29 NDPS Act**  
**NCB Vs Collins Okoro**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through VC.  
Sh Maneesh Bhardwaj, Ld. counsel for applicant/accused  
Collins Okoro through VC.

Ld. counsel for accused submitted that present accused is falsely implicated in this case and nothing is recovered from him and he never met co accused Brigette Del Valle Rodriguez Santoyo. Ld. counsel submits that the accused was alleged to be apprehended from hotel however no CCTV footage was taken on record. The manager of the hotel Dinesh Pratap Singh was not even examined during investigation. Ld. counsel submits that even the search was not taken in presence of Gazetted Officer/Magistrate, hence violation of mandatory procedure u/s 50 NDPS Act. Ld. counsel submits that the charge sheet has already filed. The case is at the stage of prosecution evidence and in these facts and circumstances, accused be released on bail.

Ld. SPP for NCB submitted that there is a huge recovery of 1.250 kg of Cocaine and both the accused persons were apprehended in the room no. 303, Hotel Airport, Mahipalpur, New Delhi when the present accused collected 1.250kg from co accused Brigette Del Valle Rodriguez Santoyo who brought the said contraband in her registered baggage from abroad. Both the accused were also found to be connected through whatsapp messages and present accused was already living in room no. 306. Ld. SPP submits that accused in his voluntary statement u/s 67 NDPS Act admitted his guilt. Furthermore besides recovery of contra-band, respective statements u/s 67 NDPS Act were also recorded and they also tendered the prints of their respective whatsapp chats and photo image of each other to



establish criminal conspiracy. Furthermore there is an embargo u/s 37 NDPS Act over release of accused on bail. Ld. SPP submits that charges have already been framed and matter is at the stage of prosecution evidence. Mere incarceration in present kind of offences is no ground to release the present accused on bail.

Heard. Record perused.

Apex Court in *State of Madhya Pradesh v. Kajad*, (2001) 7 SCC 673, the Court while taking note of Section 37 of the Act held that "**negation of bail is the rule and its grant an exception** under Section 37 of the Act and for granting the bail the Court must, on the basis of the record produced before it, be satisfied that there are reasonable grounds for believing that the accused is not guilty of the offences with which he is charged and further that he is not likely to commit any offence while on bail".

The position stands reiterated in *Sami Ullaha v. Superintendent, Narcotic Central Bureau*, (2008) 16 SCC and *Union of India v. Rattan Mallik alias Habul*, (2009) 2 SCC 624 wherein the Apex Court further clarified that when a prosecution/conviction is for an offence under a special statute and that statute contains specific provisions for dealing with matters arising thereunder, including an application for grant of bail, such provisions cannot be ignored while dealing with such an application and observed that :

*"9. The broad principles which should weigh with the Court in granting bail in a non-bailable offence have been enumerated in a catena of decisions of this Court and, therefore, for the sake of brevity, we do not propose to reiterate the same. However, when a prosecution/conviction is for offence(s) under a special statute and that statute contains specific provisions for dealing with matters arising thereunder, including an application for grant of bail, these provisions cannot be ignored while dealing with such an application."*

Apex Court in case titled *State of Kerala Vs. Rajesh Crl.*  
**Appeal No. 154-157/2020 dated 24.01.2020** observed as under:

18. *The jurisdiction of the Court to grant bail is circumscribed by the provisions of Section 37 of the NDPS Act. It can be granted in case there are reasonable grounds for believing that accused is not guilty of such offence, and that he is not likely to commit any offence while on bail. It is the mandate of the legislature which is required to be followed. At this juncture, a reference to Section 37 of the Act is apposite. That provision makes the offences under the Act cognizable and nonbailable. It reads thus:*

*“37. Offences to be cognizable and nonbailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—*

*(a) every offence punishable under this Act shall be cognizable;*

*(b) no person accused of an offence punishable for [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—*

*(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and*

*(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.*

*(2) The limitations on granting of bail specified in clause (b) of subsection (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force on granting of bail.” (emphasis supplied)*

19. This Court has laid down broad parameters to be followed while considering the application for bail moved by the accused involved in offences under NDPS Act. In *Union of India Vs. Ram Samujh and Ors.* 1999(9) SCC 429, it has been elaborated as under:

*“7. It is to be borne in mind that the aforesaid legislative mandate is required to be adhered to and followed. It should be borne in mind that in a murder case, the accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death*

or in inflicting deathblow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. Reason may be large stake and illegal profit involved. This Court, dealing with the contention with regard to punishment under the NDPS Act, has succinctly observed about the adverse effect of such activities in *Durand Didier v. Chief Secy., Union Territory of Goa* [(1990) 1 SCC 95] as under:

24. With deep concern, we may point out that the organised activities of the underworld and the clandestine smuggling of narcotic drugs and psychotropic substances into this country and illegal trafficking in such drugs and substances have led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportions in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and deadly impact on the society as a whole, Parliament in its wisdom, has made effective provisions by introducing this Act 81 of 1985 specifying mandatory minimum imprisonment and fine.

**8. To check the menace of dangerous drugs flooding the market, Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section 37, namely,**

(i) there are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) that he is not likely to commit any offence while on bail are satisfied. The High Court has not given any justifiable reason for not abiding by the aforesaid mandate while ordering the release of the respondent-accused on bail. Instead of attempting to take a holistic view of the harmful socioeconomic consequences and health hazards which would accompany trafficking illegally in dangerous drugs, the court should

*implement the law in the spirit with which Parliament, after due deliberation, has amended.”*

**20. The scheme of Section 37 reveals that the exercise of power to grant bail is not only subject to the limitations contained under Section 439 of the CrPC, but is also subject to the limitation placed by Section 37 which commences with non-obstante clause.** The operative part of the said section is in the negative form prescribing the enlargement of bail to any person accused of commission of an offence under the Act, unless twin conditions are satisfied. The first condition is that the prosecution must be given an opportunity to oppose the application; and the second, is that the Court must be satisfied that there are reasonable grounds for believing that he is not guilty of such offence. If either of these two conditions is not satisfied, the ban for granting bail operates.

**21. The expression “reasonable grounds” means something more than prima facie grounds.** It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. In the case on hand, the High Court seems to have completely overlooked the underlying object of Section 37 that in addition to the limitations provided under the CrPC, or any other law for the time being in force, regulating the grant of bail, its liberal approach in the matter of bail under the NDPS Act is indeed uncalled for.

22. We may further like to observe that the learned Single Judge has failed to record a finding mandated under Section 37 of the NDPS Act which is a sine qua non for granting bail to the accused under the NDPS Act.

23. The submission made by learned counsel for the respondents that in Crime No. 14/2018, the bail has been granted to the other accused persons(A1 to A4), and no steps have been taken by the prosecution to challenge the grant of postarrest bail to the other accused persons, is of no consequence for the reason that the consideration prevailed upon the Court to grant bail to the other accused persons will not absolve the act of the accused respondent(A5) from the rigour of Section 37 of the NDPS Act.

It is settled law while considering the bail, the court has not to appreciate the evidence in pace meal and only has to see whether the prima facie case exists. In present case, the present accused along with co accused was apprehended with 1.250kg of Cocaine recovered from trolley bag in hotel room on secret information. Both the accused have admitted their guilt u/s 67 NDPS Act. The conspiracy is also corroborated through respective whatsapp chats and photo image of each other. Ld. counsel also raised the plea that at the time of recovery Gazetted Officer/Magistrate has not been joined, however as far as the compliance of section 50 NDPS Act, Apex Court judgment of bench of three judges titled as ***State Of Punjab vs Baljinder Singh Criminal Appeal Nos.1565-66 of 2019 dated 15.10.2019*** observed as under:

*“14. The law is thus well settled that an illicit article seized from the person during personal search conducted in violation of the safe-guards provided in Section 50 of the Act cannot by itself be used as admissible evidence of proof of unlawful possession of contra-band.*

*But the question is, if there be any other material or article recovered during the investigation, would the infraction with respect to personal search also affect the qualitative value of the other material circumstance.*

*15. At this stage we may also consider following observations from the decision of this Court in Ajmer Singh vs. State of Haryana:-*

*“15. The learned counsel for the appellant contended that the provision of Section 50 of the Act would also apply, while searching the bag, briefcase, etc. carried by the person and its non-compliance would be fatal to the proceedings initiated under the Act. We find no merit in the contention of 6 [(2010) 3 SCC 746] the learned counsel. It requires to be noticed that the question of compliance or non-compliance with Section 50 of the NDPS Act is relevant only where search of a person is involved and the said section is not applicable nor attracted where no search of a person is involved. Search and recovery from a bag, briefcase, container, etc. does not come within the ambit of Section 50 of*

*the NDPS Act, because firstly, Section 50 expressly speaks of search of person only. Secondly, the section speaks of taking of the person to be searched by the gazetted officer or a Magistrate for the purpose of search. Thirdly, this issue in our considered opinion is no more res integra in view of the observations made by this Court in Madan Lal v. State of H.P. [(2003) 7 SCC 465]. The Court has observed: (SCC p. 471, para 16) “16. A bare reading of Section 50 shows that it only applies in case of personal search of a person. It does not extend to search of a vehicle or a container or a bag or premises (see *Kalema Tumba v. State of Maharashtra* [(1999) 8 SCC 257], *State of Punjab v. Baldev Singh* [(1999) 6 SCC 172] and *Gurbax Singh v. State of Haryana* [(2001) 3 SCC 28]). The language of Section 50 is implicitly clear that the search has to be in relation to a person as contrasted to search of premises, vehicles or articles. This position was settled beyond doubt by the Constitution Bench in *Baldev Singh* case. Above being the position, the contention regarding non-compliance with Section 50 of the Act is also without any substance.”*

*16. As regards applicability of the requirements under Section 50 of the Act are concerned, it is well settled that the mandate of Section 50 of the Act is confined to “personal search” and not to search of a vehicle or a container or premises.”*

Therefore, as per mandate of this judgment, there is no requirement for complying section 50 which is only restricted to personal search and not to the bag, briefcase, premises, vehicles or articles. Furthermore, Apex court in case titled *Than Kumar Vs. State of Haryana, Crl. Appeal No. 2172/2011 dated 02.03.2020* after relying upon the judgment of Baljinder Singh and Baldev Singh held that when the recovery was effected from the bag then the compliance of section 50 of NDPS Act is not required. As recovery from bag, hence, at this stage, it cannot be held that the procedure u/s 50 NDPS Act is applicable.

Even otherwise, accused refused to be searched before gazetted officer or magistrate. Delhi High Court in case titled as *Sayaed Md. Ridwan @ Munna vs State* Crl.A.785/2014 dated 22.02.2019 held as under:

11. *A Constitution Bench of Supreme Court in Vijaysinh Chandubha Jadeja (supra) has ruled that Section 50 of the NDPS Act itself gives an option to the raiding officer to search any person and if such person requires, then such person ought to be produced before the nearest gazetted officer. In the instant case, appellants had refused to exercise their option to be searched in the presence of a gazetted officer. Supreme Court in Arif Khan (supra) has taken note of the afore-referred legal position, but has chosen to acquit accused on facts of said case. While relying upon the dictum of Constitution bench in Vijaysinh Chandubha Jadeja (supra), this Court holds that the giving of option to appellants to be produced before a gazetted officer is sufficient compliance of Section 50 of the NDPS Act. As far as appellant -Sayaed Md. Ridwan @ Munna signing notice under Section 50 of NDPS Act in English is concerned, I find that though he claims to be illiterate, still such persons can and do sign in English and on this count also, benefit of doubt cannot be extended to appellant -Sayaed Md. Ridwan @ Munna.*

12. *As regards appellant -Gulzar Sheikh @ Sonu, he had clearly written on the Notice under Section 50 of the NDPS Act that he does not want to be searched in the presence of a gazetted officer. So, on this count, conviction of appellants cannot be faulted with.*

Further, in case titled as *Ram Gopal Vs. State* Crl.A. 676/2016 dated 16.10.2018, the Hon'ble Delhi High Court held as under:

11. *The Supreme Court therefore, has held that while the obligation of the authorised officer under Section 50(1) of the Act is mandatory and requires strict compliance, the suspect may or may not choose to exercise the right provided to him under the said provision. It was further held that the question whether or not the procedure prescribed under Section 50(1) of the Act has been followed and the requirement prescribed therein has been met, is a matter of trial.*

12. *In the present case, PW-7 Ct. Kheta Ramse, PW-8 HC Jagdish and PW-10 Inspector Satyawan have duly proved the service of mandatory notice under Section 50 of the Act*

(Ex.PW7/A) on the Appellant and refusal of the Appellant to exercise his legal right to be searched before a Gazetted Officer or the Magistrate, in his own handwriting (Ex.PW7/B). In the statement of the Appellant recorded under Section 313 Cr.P.C., the Appellant had not denied his reply in Ex.PW7/B. Therefore in my opinion, the requirement of Section 50(1) of the Act has been duly complied with by the prosecution.

13. In Arif Khan (*supra*) on the facts of that case, the Court found that the mandatory procedure under Section 50 of the Act had not been satisfied. The said case was peculiar on its own facts and therefore, is distinguishable from the facts of the present case. In the present case, the prosecution has been able to prove its case through the testimonies of its witnesses and the documents produced on record.

In judgment titled as *Innocent Vs. State* CrI.A. 139/2017 dated 14.01.2020, Hon'ble Delhi High Court held as under:

34. The above decision also makes it clear that the mandate of Section 50(1) of the NDPS Act is to ensure that the authorized officer informs the person proposed to be searched about his right to be searched before a Magistrate or a Gazetted Officer. The authorized officer is also obliged to take the concerned person (the suspect) to the nearest Gazetted Officer of any departments mentioned in Section 42 of the NDPS Act or to the nearest Magistrate, if such person so requires. In *Vijaysinh Chandubha Jadeja (supra)*, the Supreme Court had also observed that though Section 50 of the NDPS Act gives the option to the empowered officer to take the person suspect either before the nearest Gazetted Officer or to a Magistrate; in the first instance, an endeavor should be made to produce the suspect before the nearest Magistrate. This, obviously, would follow only 'if the person so requires'.

35. In view of the decisions as mentioned above, it is no longer *res integra* that it is mandatory to comply with Section 50 of the NDPS Act. There is also no ambiguity as to manner in which Section 50 of the NDPC Act is required to be complied. Plainly, there is no requirement to conduct the search in the presence of a Magistrate or Gazetted Officer, if the person proposed to be searched did not so desire, after being informed of his right in this regard. The words "if such person so requires" as used in Section 50(1) of the NDPS Act



*make it amply clear that the person to be searched would be taken before a Magistrate or a Gazetted Officer, only if he so requires.*

Therefore, in view of the mandate of above judgment, it cannot be held at this stage that there is a violation of procedure envisaged u/s 50 in the present case. The recovered contraband is commercial in nature thus there is definite bar u/s 37 NDPS Act over the release of accused on bail and it cannot be inferred at this stage there are reasonable ground to believe that accused is not guilty of the offence and is not likely to commit any offence while on bail. Considering the material on record and in view of above discussion, I found no ground to release the applicant/accused Collins Okoro on bail. Hence the present application is dismissed.

It is clarified that nothing in this order shall prejudice the case on merits. Application disposed of accordingly.

Copy of the order be given dasti as well as be sent to accused in jail. Order be uploaded on Delhi District Courts website.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**CA No. 237/19**

**Maj. S K Hooda (Retd) Vs Magic Eye Developers Pvt Ltd**

22.08.2020

**Matter heard through video conferencing.**

Present: Ms Srishti Juneja, Ld. counsel for appellant through VC.  
Sh Shaunak Kashyap, Ld. counsel for  
respondent/complainant through VC.

Ld. counsel for complainant submits that he has already e-mailed the reply to counsel Sh Madhav Khurana whose vakalatnama is on record and who had appeared previously however Ld. counsel for appellant submits that presently she is the counsel and not Sh Madhav Khurana and requested that copy of reply be again sent to her e-mail address i.e. [srishti.juneja@ivylaw.in](mailto:srishti.juneja@ivylaw.in). Last and final opportunity given to the appellant.

At request, list this appeal for reply and arguments on  
**07.09.2020.**

**(Ajay Kumar Jain)**  
**ASJ/N. Delhi**  
**22.08.2020**

**SC No. 12/2020**  
**FIR No. 117/19**  
**PS Spl Cell**  
**U/s 21/25/29 NDPS Act**  
**State Vs Dheeraj @ Deepak & Ors.**  
**22.08.2020**

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State  
through video conferencing.

All accused not produced from JC except accused Ahmad Shah Alokzai @ Haji @ Nawab Khan and Neda Mohammad who are absent.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today, however accused Ahmad Shah Alokzai @ Haji @ Nawab Khan reported to have jumped the interim bail granted by Hon'ble High Court of Delhi and proceedings u/s 82 CrPC already initiated against him. Accused Neda Mohammad appears to have not surrendered after expiry of interim bail. Let a surrender report qua accused Neda Mohammad be called from jail on **31.08.2020**.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in).

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi/22.08.2020**

NCB Vs. Thelma Mkandawire & Anr  
SC No. 247/2017

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through VC.

Accused Pamela is PO.

Accused Ms Thelma Mkandawire not produced from JC.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 for PE and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in).

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

SC No. 273/2017  
NCB Vs Sergio Jie Zhang Salazar

22.08.2020

**Matter heard through video conferencing.**

Present: Sh P C Aggarwal, Ld. SPP for NCB through VC.  
Accused not produced from JC.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in).

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 92/2020**  
**FIR No. 154/2020**  
**PS Spl Cell**  
**U/s 21/29/61/85 NDPS Act**  
**State Vs Jaichand Saxena & Ors.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State  
through video conferencing.

All accused are not produced from JC.

Sh S S Das, Ld. counsel for accused Shyam Babu Saxena  
through VC.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 for arguments on charge and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in).

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

SC No. 9147/16  
State Vs. Palvinder Singh & Anr  
FIR No. 50/15  
**PS Spl Cell**

20.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State through  
VC.

Accused Palvinder Singh not produced from JC.

Accused Jagbir Singh @ Jagga is PO.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in).

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**SC No. 242/19**  
**FIR No. 141/2018**  
**PS Spl Cell**  
**State Vs Salim Seikh & Ors.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State through VC.

All accused are not produced from JC.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 05.05.2020 for PE and was adjourned en bloc for 27.06.2020 and then for today i.e. 22.08.2020.

There is no prior notice to Jail Superintendent for production of accused through video conferencing for today.

Fresh notice be sent to jail superintendent to produce the accused in present case through video conferencing on next date of hearing.

List this case for production of accused through VC and further proceedings on 16.10.2020. Copy of this order be sent to jail superintendent on [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in).

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**



**CR No. 551/19**  
**Satinder Singh Vs State**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State  
through video conferencing.  
None for revisionist.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 and was adjourned en bloc for 05.05.2020 & 27.06.2020 and then for today i.e. 22.08.2020.

List this revision petition for **15.09.2020**. The staff of the court has apprised the counsel Sh Pramod Gupta about the next date of hearing.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**JBS Bedi Vs. State**  
**Case no. CR/501/19**

22.08.2020

Present : None for revisionist  
Sh Ravinder Kumar, Ld. Addl. PP for State through VC.

Pursuant to order dated 23.03.2020 passed by Hon'ble High Court of Delhi whereby the work in subordinate courts was suspended due to corona pandemic and the work was further suspended vide order dated 15.04.2020, 02.05.2020, 16.05.2020, 22.05.2020, 29.05.2020, 13.06.2020, 29.06.2020 and 14.07.2020.

This case was listed on 04.04.2020 and was adjourned en bloc for 05.05.2020, 27.06.2020 and then for today i.e. 22.08.2020.

Accordingly, list this revision petition on 15.09.2020. The staff of court has apprised the counsel Sh. Kapil Mansukhani and the revisionist about the next date of hearing.

**(Ajay Kumar Jain)**  
Special Judge-NDPS  
New Delhi/22.08.2020

**SC No. 133/2020**  
**U/s 8/22/29 NDPS Act**  
**NCB Vs Gaurav Kumar Aggarwal & Ors.**

22.08.2020

**Matter heard through video conferencing.**

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through video conferencing.

None for applicant/accused Gaurav Kumar Aggarwal.

This is an application for providing legible copies of some documents however none has appeared on behalf of the applicant/accused.

Ld. counsel for applicant/accused is also contacted through mobile phone but he is not picking up the call.

On the last date of hearing also, none had appeared on behalf of the applicant/accused Gaurav Kumar Aggarwal.

Accordingly, list this application for date already fixed i.e.

**04.09.2020.**

Copy of the order be uploaded on the website of New Delhi District.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**

**NCB Vs. Unknown**

**Crime File No. VIII/13/DZU/2008, VIII/03/DZU/2008, VIII/20/DZU/2007, VIII/14/DZU/2007, VIII/15/DZU/2006, VIII/32/DZU/2008, VIII/08/DZU/2006, VIII/14/DZU/2005, VIII/51/DZU/2006, VIII/22/DZU/2006, VIII/41/DZU/2006, VIII/05/DZU/2006, VIII/05/DZU/2007, VII I/63/DZU/2006 and VIII /08/DZU/2007**

22.08.2020

Present: Sh. P C Aggarwal, Ld. SPP for NCB through VC.

This is an application u/s 52A r/w section 63(2) NDPS Act for confiscation and disposal of case property, sample and concealing material filed on behalf of NCB.

Ld. SPP submits that in the abovementioned cases, contraband was recovered from a parcel(s) which were seized under the provisions of NDPS Act. During investigation, despite best efforts, the sender could not be located and investigation of present case was closed. He further submits that since investigation has been closed, the recovered contraband, samples, concealing material, etc may be confiscated to NCB/State in order for the same to be disposed off.

Heard. Record perused. Since investigation of present case has been closed and whereabouts of sender is not traceable hence, closure of investigation accepted and case property, samples, concealing material, etc are confiscated to NCB/State and same be disposed of as per rules.

Copy of the order be given dasti and also uploaded on the website of Delhi District Court.

**(Ajay Kumar Jain)**  
**Spl. Judge, NDPS/N. Delhi**  
**22.08.2020**