

**U/s 21/23/29 NDPS Act
Case No. VIII/41/DZU/2020
NCB v. Wahid**

03.09.2020

Vide order nos 5837-5927/D&SJ/NDD/2020 dt. 30.05.2020 & 5931-6021/D&SJ/NDD/2020 dated 01.06.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today in pursuance to the directions of Hon'ble High Court of Delhi vide order no R-1347/DHC/2020 dated 29.05.2020 and in continuation of the previous office order nos.4243-4333/D&SJ/NDD/2020 dated 01.04.2020, 4407-4426/D&SJ/NDD/2020 dated 10.04.2020, 4518-4608/D&SJ/NDD/2020 dated 15.04.2020, 5111-5200/D&SJ/NDD/2020 dated 03.05.2020, 6364-6454/D&SJ/NDD/2020 dated 16.05.2020, 6326-6415/D& SJ/NDD/2020 dated 15.06.2020 to combat the pandemic of COVID 19 and vide order no. 1944-1976/DHC/2020 dated 30.07.2020, 323-355/RG/DHC/2020 dated 15.08.2020, 419-451/RG/DHC/2020 dated 27.08.2020 of the Hon'ble High Court of Delhi to combat the pandemic of Covid-19.

Present: Sh. Mukesh Malik, Ld. SPP for NCB.
R. K. Maurya Intelligence Officer.
Sh. Vikas Gautam, Ld. counsel for accused.
(Vakalatnama filed).
Accused Wahid in custody.


Proceedings done through video conferencing.

An application has been moved by the IO seeking five day PC remand of accused Wahid who has been arrested on 02.09.2020.

Very pertinent investigation regarding the source of Heroine and the identity of other accused persons is to be conducted. Considering the nature of investigation required to be conducted, the abovementioned accused Wahid is remanded to police custody till 07/09/2020. Medical examination of the accused be conducted immediately before and after the PC

Application disposed of accordingly.

Copy of the order be given dasti.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
03.09.2020

**Application in
CA No.78/2020
Seema Nanda & Anr. Vs. Peeyush**

03.09.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Ms. Richa Jindal, Counsel for the appellant, through VC.

An application for early hearing of the matter has been moved on behalf of the appellant. Matter is listed for 17.10.2020. However, Ld. counsel for the appellant submits that she wants to withdraw the appeal.

Considering the submission made, date of hearing is preponed to 07.09.2020 and this matter shall be listed for physical hearing.

Order be uploaded on the website of Delhi District Court.

**(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
03.09.2020
(Through VC)**

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/03.09.2020

**Application in
State vs. Vipin Sharma & Anr.
FIR No.71/2019
PS : Special Cell**

03.09.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State, through VC.
Sh. Aman Goyal, Counsel for applicant/surety of A-5 Bhupinder Singh, through VC.

An application for release of FDR has been filed on behalf of the applicant/surety of A-5 Bhupinder Singh.

The court needs to go through the case file. File be summoned for next date of hearing.

Put up for consideration on the application on 07.09.2020. This matter shall be listed for physical hearing.

Order be uploaded on the website of Delhi District Court.

**(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
03.09.2020
(Through VC)**

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/03.09.2020

SC No. 296/2019
FIR No. 05/2019
PS Spl Cell
State Vs Asadullah Rahmati & Anr.

03.09.2020

Matter heard through video conferencing.

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

Accused Asadullah Rahmati is PO.

Accused Moussa not produced from JC.

Today matter is listed for arguments on charge however accused not produced from JC through VC by jail superintendent despite order dated 25.08.2020.

Issue fresh notice to jail superintendent to produce accused Moussa in present case through VC at 11 am on next date of hearing.

List this case for production of accused Moussa through VC and arguments on charge on **11.09.2020**. Copy of this order be sent to jail superintendent on daksection.tihar@gov.in. Copy of the order be also sent to DIG concerned to ensure the production of accused through VC on said date.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

SC No. 134/2020
NCB Vs Monica Rainheart

03.09.2020

Matter heard through video conferencing.

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

Ld. SPP for NCB submits that this matter is at the stage of charge and requested that the arguments on charge be heard through VC at an early date.

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

Notice be also issued to her counsel for the next date of hearing.

List this case for production of accused through VC and arguments on charge on **19.09.2020**. Copy of this order be sent to jail superintendent on daksection.tihar@gov.in.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

SC No. 139/19
U/s 9A, 25A, 29 NDPS Act
NCB Vs Kelvin George Katindasa

03.09.2020

Matter heard through video conferencing.

Present: Sh P C Aggarwal, Ld. SPP for NCB through video conferencing.
Sh J S Kushwaha, Ld. counsel for applicant/accused Kelvin
George Katindasa through VC.

At joint request, list this application for arguments on
08.09.2020.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

File No. VIII/7/DZU/2019
U/s 21/22/29 NDPS Act
NCB Vs Kenneth Adams

03.09.2020

Matter heard through video conferencing.

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

Sh Anoop Kumar Gupta, Ld. counsel for applicant/accused Kenneth Adams through VC.

Ld. SPP for NCB requested some time to file reply to this application.

At request, list this application for reply and arguments on

05.09.2020.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

File No. VIII/20/DZU/2020
U/s 21 NDPS Act
NCB Vs Butter Nnamami

03.09.2020

Matter heard through video conferencing.

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through video conferencing.
Sh S S Agarwal, Ld. Counsel for applicant/accused Butter Nnamami through VC.

Ld. counsel for accused submits that this is an application for supply of copies along with chargesheet. However for this purpose, consent of accused is required. Accordingly, jail superintendent is directed to produce the accused through VC positively at 11am on the next date of hearing by clicking on the 'All Courts Direct URL Link' on the Patiala House Courts website or by mentioning meeting ID no. 1662280021 on Cisco Webex software.

List this application for **10.09.2020**.

Copy of the order be sent to accused and jail superintendent for compliance.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

File No. VIII/20/DZU/2020
U/s 21 NDPS Act
NCB Vs Eze Naduka Bonaventure

03.09.2020

Matter heard through video conferencing.

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through video conferencing.
Sh Gaurav Chandhok, Ld. Counsel for applicant/accused Eze Naduka Bonaventure through VC.

Ld. counsel for accused submits that this is an application for supply of copies of e-challan along with chargesheet. However for this purpose, consent of accused is required. Accordingly, jail superintendent is directed to produce the accused through VC positively at 11am on the next date of hearing by clicking on the 'All Courts Direct URL Link' on the Patiala House Courts website or by mentioning meeting ID no. 1662280021 on Cisco Webex software.

List this application for **10.09.2020**.

Copy of the order be sent to accused and jail superintendent for compliance.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

File No. VIII/18/DZU/2020
U/s 20 & 29 NDPS Act
NCB Vs Virender Tanwar & Ors.

03.09.2020

Matter heard through video conferencing.

Present: Sh P C Aggarwal, Ld. SPP for NCB through video conferencing.
Sh Y K Saxena, Ld. counsel for accused/applicant Virender
Tanwar through VC.

Ld. counsel for accused submits that this is an application for supply of copy of complaint along with relevant documents. However for this purpose, consent of accused is required. Accordingly, jail superintendent is directed to produce the accused through VC positively at 11am on the next date of hearing by clicking on the 'All Courts Direct URL Link' on the Patiala House Courts website or by mentioning meeting ID no. 1662280021 on Cisco Webex software.

List this application for **10.09.2020**.

Copy of the order be sent to accused and jail superintendent for compliance.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

SC No. 8719/2016

NCB Vs Lebogang Elizabeth Sibiya & Ors.

03.09.2020

Matter heard through video conferencing.

Present: Sh. Mukesh Malik, Ld. SPP for NCB through video conferencing.

Sh Sumit Sharma, Ld. Amicus Curiae for applicant/accused Lebogang Elizabeth Sibiya through VC.

At request, list this application for **04.09.2020**.

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

District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

File No. VIII/9&9A/DZU/2020
U/s 22, 25 & 29 NDPS Act
NCB Vs Dipu Singh & Ors.

03.09.2020

Matter heard through video conferencing.

Present: Sh. Mukesh Malik, Ld. SPP for NCB through video conferencing.

Sh Abhay Pandey, Ld. counsel for accused/applicant Barun Surendra Chavhan through VC.

Ld. counsel for accused submits that present accused is on interim bail and hospitalized, therefore could not appear before court however he will make him appear through VC.

Accordingly, list this application for supply of copies on **07.09.2020.**

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

FIR No. 670/2020
PS Sagarpur
U/s 21/61/85 NDPS Act
State Vs Jaswant @ Bhanu

03.09.2020

Matter heard through video conferencing.

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

Ms M Begum, Ld. counsel for accused/applicant Jaswant @
Bhanu through VC.

Report from jail received however after some arguments, Ld.
counsel for accused requested to withdraw the present application with
liberty to file fresh application.

Accordingly, present application is dismissed as withdrawn.
Applicant/accused Jaswant @ Bhanu is at liberty to file any fresh
application in this regard.

Copy of the order be given dasti.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

FIR No. 574/2020
PS R K Puram
U/s 20/61/85 NDPS Act
State Vs Ram Avtar

03.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State through VC.
Sh Arvind Kasana, Ld. Counsel for applicant/accused Ram Avtar through VC.

Ld. counsel for accused submitted that applicant is in custody since 17.08.2020 and the recovery of 1450 gm of ganja is planted over the accused. Ld. counsel submits that recovery is just above the intermediate quantity of 01kg and well below the commercial quantity of 20 kg of ganja thus no bar u/s 37 NDPS Act over release of accused on bail.

Ld. Addl. PP opposed the bail on the ground that offence is very serious in nature and accused had criminal antecedents also.

Heard. As per the report of the police, the accused was previously involved in a case FIR No. 333/2002 u/s 20/61/85 NDPS Act however Ld. Counsel submits that in this case accused has already been acquitted. The accused is in custody since 17.08.2020 in present case and no more required for investigation. The recovered quantity of ganja is just above the small quantity and there is no bar u/s 37 NDPS Act over release of accused on bail for this quantity. Accordingly, accused Ram Avtar is admitted to bail on his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of this court.

Application is disposed of accordingly.

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

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

File No. VIII/32/DZU/2020
NCB Vs Ashok Kumar

03.09.2020

Matter heard through video conferencing.

Present: Sh P C Aggarwal, Ld. SPP for NCB through video conferencing.
Sh Shasak Jain, Ld. counsel for the applicant/accused Ashok Kumar through VC.

Ld. counsel for accused submitted that accused is in custody since 11.07.2020 and investigation has already been completed. Ld. counsel submits that accused has three small children and a wife and wife of the accused is diagnosed with Hernia for which she required immediate surgery however there is nobody in the family except her wife and children. Ld. counsel submits that furthermore he was taken by his previous employee Asim to Gorakhpur for some lucrative offer however on return the petitioner car was stopped by police officials and thereafter taken to R K Puram office but the police had let out the accused Asim and planted the entire recovery over the present accused. Ld. counsel submits that the statement recorded u/s 67 NDPS Act cannot be construed as a confessional statement and there is no recovery from the house of accused. Ld. counsel submits that in these facts and circumstances, accused be released on bail.

Ld. SPP for NCB submits that on the basis of secret information, the car was intercepted and from the cavity inside the car, 475gm of Hashish was recovered. Ld. SPP submits that accused in his statement u/s 67 NDPS Act admitted the recovery and further disclosed that he brought the said charas from Gorakhpur. Ld. SPP submits that in his statement, accused disclosed that he had previously supplied 07kg of charas 3-4 times to one Sanjeev. Ld. SPP submits that the accused is also trying to hide his actual address and investigation of the case is still going on. Ld. SPP submits that co accused Sunil is not traceable and NCB is trying his best to apprehend him.

Heard. In the present case, 475gm of hashish / charas was recovered which is less than commercial quantity thus the embargo u/s 37 NDPS Act do not apply however it is settled law at the stage of bail, the court cannot appreciate the credibility of prosecution material and only has to see prima facie case. The prime allegation is the recovery of 475 gm of charas from the cavity of his car, his statement u/s 67 NDPS Act showing his previous involvement and further more the principle accused Sunil is found to be absconding and could not be apprehended till date. Considering the nature and manner of commission of offence, and fact that investigation is still going on, merely because of the fact that embargo u/s 37 NDPS Act do not apply, the accused/applicant Ashok Kumar is not entitled to be released on bail at this stage. Hence, the present bail application stands dismissed.

Application disposed of accordingly.

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

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

FIR No. 226/2019

PS Spl Cell

U/s 21/29 NDPS Act & section 14 Foreigner's Act, u/s 468/474 IPC

State Vs Christian Jole @ George

03.09.2020

Matter heard through video conferencing.

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

Sh. Manish Kumar Singh, Ld. Counsel for applicant/accused Christian Jole @ George through VC.

Ld. counsel for accused submitted that entire case against the present accused is fabricated. Accused is shown to be apprehended with the contra-band by raiding team on 16.12.2019, however he has already been lifted from his house on 15.12.2019 itself and this fact can be verified from the call detail record and location of raiding team members including the ACP Attar Singh. Ld. counsel submits that accused is not arrested in the manner projected by the police and entire recovery is planted. Ld. counsel submits that to ascertain the said facts, this court could call the CDR details of raiding team party. Ld. counsel submits that in these facts and circumstances, accused be released on bail.

Ld. Addl. PP submits that on secret information, the raiding party reached New Delhi Railway Station and at around 07.20 AM accused Vicky was identified by informer thereafter 5-10 minutes present accused Renuka came and the accused Vicky handed over black colour polythene to accused Renuka. Then on apprehension, the notice u/s 50 was given and during search of accused Vicky @ Anubhav Dushad found to have 3 kg light brown powder in black colour polythene bag and 4 kg heroin from his shoulder bag and from accused Renuka 3 kg was recovered from polythene bag. Ld. Addl. PP submits that co-accused disclosed that he had supplied the heroin to accused Renuka as she has to further deliver the same to his client at Jalandhar. Thereafter, on the basis of disclosure statement of accused

Vicky co-accused Christian Jole @ George was apprehended and 2 kg of heroin was recovered from his black shoulder bag. Ld. Addl. PP submits that there is recovery of commercial quantity of heroin from present accused and there is definite bar u/s 37 for release of accused on bail. Ld. Addl. PP submits that at the time of arrest, accused was found in possession of only photocopy of his passport which was sent to concerned Nigerian embassy for verification but the embassy asked for original passport. The visa sticker on the passport is found to be in the name of one Godwin Ebuga Abimiku and therefore the accused is found to be staying on forged visa. Ld. Addl. PP submits that accused is not resident of India and if he released on bail, he can abscond from trial. Ld. Addl. PP further submits that CDR details of the Spl Cell officers cannot be disclosed. Furthermore it is the defence of accused which cannot be considered at this stage.

Heard. Record perused. 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.

There is recovery of 07kg of heroin from co accused Vicky @ Anubhav Dushad and 03 kg from accused Renuka and on the basis of their disclosure statement, the present accused was apprehended with 02 kg of heroin. The recovery is commercial quantity, thus there is definite bar u/s 37 NDPS Act over release of accused on bail. The defence of accused that he was not apprehended at the spot cannot be considered at this stage. At this stage, the court could not doubt the credibility of prosecution case. Furthermore, this accused is foreigner, apprehended with forged visa and also do not have any original passport in his possession, therefore there is a strong apprehension that this accused might abscond if released on bail and it cannot be held 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 Christian Jole @ George on bail. Hence the present application is dismissed.

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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
03.09.2020

**FIR No. 52/2013
PS Spl Cell
State Vs Vinod Kumar & Ors.**

03.09.2020

File taken up on receiving report dated 02.09.2020 of accused Vinod Kumar from jail.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Accused Vinod Kumar produced from JC through VC.

After receiving this report, the jail superintendent is contacted on phone through naib court and thereafter this accused Vinod Kumar is produced from JC through VC. Accused Vinod Kumar submitted that he has not signed the statement u/s 313 CrPC because he received the draft copy and not the statement which was already replied on the last date of hearing i.e. 26.08.2020.

The original statement u/s 313 CrPC recorded on 26.08.2020 through VC has already been sent for signatures of accused Vinod Kumar. Jail superintendent is directed to take the signatures of accused on said statement on each page under his attestation on each page and send it to this court by tomorrow i.e. **04.09.2020** (date already fixed).

Jail superintendent is also directed to produce accused Vinod Kumar through VC tomorrow i.e. 04.09.2020 at 11am. Copy of this order be sent to accused Vinod Kumar and jail superintendent for compliance.

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

**(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020**

SC No. 133/2020
NCB Vs Gaurav Aggarwal & Ors.
Case no. VIII/06/DZU/2020

03.09.2020

Matter heard through video conferencing.

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through VC.
Accused Pramod Jaipuria @ Devender Kumar Khandelwal
produced from PC by IO Anand Kumar.
Mr Saurabh Singh, Ld. counsel for accused.

An application for judicial custody remand of accused Pramod Jaipuria @ Devender Kumar Khandelwal for 14 days has been moved on behalf of the IO.

After hearing, accused Pramod Jaipuria @ Devender Kumar Khandelwal is remanded to judicial custody remand till 17.09.2020.

Copy of the order be given dasti to IO for compliance.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

SC No. 133/2020
NCB Vs Gaurav Aggarwal & Ors.
Case no. VIII/06/DZU/2020

03.09.2020

At 2.15pm

At this stage, file again taken up on the request of naib court as he submits that the Tihar jail authorities are not taking the accused in JC because there is no specific mention of judicial custody of accused in Tihar. The accused Pramod Jaipuria @ Devender Kumar Khandelwal is remanded to judicial custody by this court in present case, therefore required to be lodged in Tihar jail, Delhi. Jail superintendent, Tihar jail is directed to take custody of accused and produce the accused Pramod Jaipuria @ Devender Kumar Khandelwal on **17.09.2020** through VC.

Copy of this order be given dasti as well as sent to jail superintendent, Tihar. Copy of this order be also sent to jail superintendent on daksection.tihar@gov.in.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

SC No. 86/2020
NCB Vs Saduddin Alizai & Ors.

03.09.2020

Matter heard through video conferencing.

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through VC.
Sh J S Kushwaha, Ld. counsel for applicant/accused Chigozie Christian Okechhukwa through VC.

Ld. counsel for applicant/accused submitted that this is an application for interim bail on the ground that wife of accused is having gynecological problem and tumor coming out of the uterus which needs removal therefore advised admission in hospital on 08.09.2020 and surgery on 09.09.2020. Ld. counsel submits that the presence of accused is required as operation is major and accused has to arrange funds for operation therefore the accused be released on interim bail for two months.

Ld. SPP for NCB submits that in present case the co accused Saduddin was intercepted at IGI Airport who swallowed contraband in the stomach in the form of capsules and on recovery, 735 gm of Heroin found in those capsules. Furthermore, on his statement u/s 67 of NDPS Act, co accused Mohd Mohsin was also arrested who disclosed the name of present accused and from present accused, 480gm of Heroin is recovered. He submits that the commercial quantity of Heroin was recovered in this case. Accordingly, there is bar over grant of bail u/s 37 of NDPS Act. Ld. SPP for NCB submits that previously the application for grant of interim bail on the ground of pregnancy of the wife has already been dismissed on 09.10.2019 and 31.10.2019. Ld. SPP submits that present accused has also filed interim bail before Hon'ble High Court of Delhi on the ground that a baby boy has been born which is still pending before Hon'ble High Court of Delhi and not disposed of. Ld. SPP submits that these all facts are concealed by the applicant/accused while moving the present application.

Ld. SPP submits that though the medical documents of Mehta hospital, Madangir has been verified. Ld. SPP submits that accused was never found under treatment in the hospital and only went this hospital for surgery and it is mentioned in the report that she is likely to be admitted for two days for surgery. Ld. SPP submits that though the wife of accused required surgery but as already noticed in the previous orders that she is living with her brother and there are other family members to take care of her therefore no exceptional circumstances made out to release the accused on interim bail in terms of judgment of Hon'ble High Court of Delhi in case titled as *Athar Parvez Vs. State CRL.REF.1/2015 dated 26.02.2016*. Ld. SPP submits that accused is a foreign national and if he released on bail, there is likelihood that he may abscond from trial and number of foreign national involved in these kinds of offences have already been absconded after released on interim bail.

Heard. There is a recovery of commercial quantity of contraband thus definite bar u/s 37 of NDPS Act over release of accused on bail. The wife of accused opined for surgery but her condition is not at all serious. Furthermore as per statement of accused u/s 67 NDPS Act, wife of accused is living with her brother thus there are persons to take care of his wife. Accused is foreigner and there is all likelihood that he could abscond from trial. No exceptional circumstances made out to release of accused Chigozie Christian Okechhukwa on interim bail. Accordingly, present interim bail application is dismissed.

The application is disposed of accordingly.

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

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020

**FIR No. 117/2019
PS Spl Cell
U/s 21/25/29 NDPS Act
State Vs Neda Mohammad**

03.09.2020

File taken up on receiving the non surrender report of accused Neda Mohammad S/o Taj Mohammad received from jail.

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

This accused was granted interim bail by Roster Judge, PHC, New Delhi vide order dated 28.04.2020 with direction to surrender before the jail superintendent on 27.05.2020 however accused had not surrendered and appears to be absconding. But Hon'ble High Court of Delhi vide order dated 24.07.2020 in W.P. (C) No. 3037/2020 have clarified that all the interim bails stand automatically extended till 31.08.2020 and thereafter vide order dated 24.08.2020 extended the interim bail till 31.10.2020. Hence, no coercive action is taken against accused however notice be issued to accused and his surety for appearance for 02.11.2020.

List this matter for **02.11.2020** for said purpose.

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

**(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
03.09.2020**