

**Bail Application No.1531/20
State Vs. Dharamvir @ Kalu
FIR No.57/20**

**U/s. 302/307/120B/34 IPC & 25/27 Arms Act
PS : Kishangarh**

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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 Rana, Ld. Counsel for applicant/accused Dharamvir @ Kalu (through Video Conferencing).
Sh. S.K. Tripathi, Ld. Addl. PP for State.
Sh. Vijay Aggarwal, Ld. Counsel for complainant (through Video Conferencing).

E-reply of Insp. Rajesh Maurya has been filed.

Heard. Perused.

Ld. Counsel for applicant has submitted that the charge-sheet in the matter has been filed but to his knowledge, cognizance has not been taken. He undertakes to apprise this Court on next date as to whether cognizance has been taken, copies have been supplied and the case file has been committed to the Court of Sessions.

Re-notify on **10.08.2020**.

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/04.08.2020/D**

Bail Application No.1464/19
State Vs. Soumitra Saban & Others
FIR No.44/2010
U/s. 498A IPC & 3/4 D.P. Act
PS : Tilak Marg

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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. Pranay Jain, Ld. Counsel for applicant/accused Soumitra Saban (through Video Conferencing).
Sh. S.K. Tripathi, Ld. Addl. PP for State.

Heard. Perused.

Ld. Counsel for applicant has admitted that the translated copies of documents from Gujarati to English language have been received and gone through by him. The chargesheet file is not available in this Court. Hence, the chargesheet file be requisitioned for NDOH.

In my considered opinion in view of the nature of the offences and the allegations levelled, complainant needs to be heard. Accordingly issue e-notice to complainant or her counsel through Pairavi Officer of PS Tilak Marg. Issue e-notice to Pairavi Officer and IO of the case (of PS Mahila Police Station, District Ahmedabad, Gujrat) to join the hearing through video conferencing.

E-copy of this order be served upon the Pairavi Officer, IO and DCP concerned to ensure compliance.

Re-notify on **17.08.2020**.

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/04.08.2020/D

Bail Application No.1422/20
State Vs. Jayant Kumar Jain
FIR No.128/19
U/s. 409/467/468/471/120B IPC
PS : EOW

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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. Sunil K. Mittal, Sh. Vikas Sethi, Ld. Counsels for applicant/accused Jayant Kumar Jain.
Sh. S.K. Tripathi, Ld. Addl. PP for State.
Sh. Rajneesh Gaur, Ld. Counsel for complainant (through Video Conferencing).
IO/Insp. Sanjeev Dhodhi, Sec-VI/EOW, New Delhi.

Heard. Perused.

Due to personal reasons, I do not want to hear and decide this bail application. Accordingly the bail application be put up before Ld. District & Sessions Judge, PHC, New Delhi today itself with the request to transfer it to some other Court or for appropriate orders.

Ahlmad is directed to send the bail application file to the Ld. District & Sessions Judge, PHC, New Delhi immediately.

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/04.08.2020/D

Bail Application No.1932/19
State Vs. Rajesh Kapoor
FIR No.92/19
U/s. 406/420/120B IPC
PS : EOW

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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. S. Tabrez, Ld. Counsel for applicant/accused Rajesh Kapoor
(through Video Conferencing).

Sh. S.K. Tripathi, Ld. Addl. PP for State.

Sh. Tarun Goomber and Sh. A.S. Anand, Ld. Counsel for complainant
(through Video Conferencing).

Insp. Sanjay Kumar (through Video Conferencing).

Heard. Perused.

Ld. Counsel for applicant has submitted that due to COVID-19 pandemic, there was a disruption in economic activities and hence the applicant could not make entire payment towards settlement as undertaken by him and that the applicant shall try to make further payment on NDOH.

Vide order dated 13.07.2020 in W.P. (C) No.3037/2020 titled as 'Court On Its Own Motion Vs. State & Ors.' of Hon'ble Delhi High Court, it was held as under:-

“.....It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail

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or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March 2020.”

In view of the aforesaid order in the writ petition, the interim protection of the **applicant/accused Rajesh Kapoor** stands extended till 31.08.2020.

Re-notify on **01.09.2020**. 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-01/Special Court
POCSO/ NDD/PHC/ND/04.08.2020/D

Bail Application No.1826/19
State Vs. Sanjay Sinha
FIR No.92/19
U/s. 406/420/120B IPC
PS : EOW

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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. Madhukar Pandey, Ld. Counsel for applicant/accused Sanjay Sinha
(through Video Conferencing).

Sh. S.K. Tripathi, Ld. Addl. PP for State.

Sh. Tarun Goomber and Sh. A.S. Anand, Ld. Counsel for complainant
(through Video Conferencing).

Insp. Sanjay Kumar (through Video Conferencing).

Heard. Perused.

Vide order dated 13.07.2020 in W.P. (C) No.3037/2020 titled as 'Court On Its Own Motion Vs. State & Ors.' of Hon'ble Delhi High Court, it was held as under:-

“.....It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March 2020.”

In view of the aforesaid order in the writ petition, the interim protection of the **applicant/accused Sanjay Sinha** stands extended till 31.08.2020.

Re-notify on **01.09.2020**. 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-01/Special Court
POCSO/ NDD/PHC/ND/04.08.2020/D

Bail Application No.1195/2020
State Vs. Khushbu Gupta
FIR No.270/2020
U/s. 379 IPC
PS : Vasant Kunj (S)

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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. Arvind Kjasana, Ld. Counsel for applicant/accused Khushbu Gupta could not be connected through Video Conferencing due to some connectivity problem at his end.

Sh. S.K. Tripathi, Ld. Addl. PP for State in person.

Inspector Sanjay Rawat in person.

ACP Naresh Kumar, through video conferencing.

Pursuant to previous order, reply of DCP/South West District on behalf of Commissioner of Police has been filed. It is mentioned in the reply of DCP/South West District that there is no admissible material against the applicant Khusboo Gupta. Inspector Sanjay Rawat has submitted that complainant has now admitted that his money was not stolen, but he had kept the same in other almira and the said fact slipped from his memory and that request for cancellation of the E-FIR shall be made by the investigating agency.

In view of the aforesaid, it is ordered that in the event of arrest, accused be released on bail on furnishing personal bond in the sum of Rs.10,000/- with one surety of lime amount to the satisfaction of IO/SHO concerned.

Application is accordingly disposed of. Dasti to all concerned.

(Ashutosh Kumar)
Roster Judge
ASJ-01/Special Court
POCSO/ NDD/PHC/ND/04.08.2020/HS

Bail Application No.1530/2020
State Vs. Hemant Kumar Jasoria
FIR No.80/2020
U/s. 419/420/466/467/468/471 & 474 IPC
PS : Parliament Street

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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. H.S. Sharma, Ld. Counsel for applicant (through Video Conferencing, but there was audio problem at his end.)
Sh. S.K. Tripathi, Ld. Addl. PP for State.

This is an application for clarification of order dated 25.07.2020 (in bail application no.910/2020) passed by Sh. Sanjay Khangwal, ld. Roster Judge, New Delhi District, Patiala House Court, New Delhi.

Since the order in question dated 25.07.2020 was passed by Sh. Sanjay Khangwal, Ld. Roster Judge, therefore, in my opinion, it would be better if present application for clarification is dealt with by him. Accordingly, the file be placed before ld. District Judge, New Delhi District, Patiala House Court, New Delhi, today itself for appropriate orders.

Ahlmad is directed to send the file immediately.

(Ashutosh Kumar)
Roster Judge
ASJ-01/Special Court
POCSO/ NDD/PHC/ND/04.08.2020/HS

Bail Application No.1528/20
State Vs. Sushil Shah
FIR No.38/2020
U/s. 498A/306/34 IPC
PS : Tughlak Road

04.08.2020

Vide order No. 7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 and in continuation of earlier office order No.7070/7159/Judl./D&SJ/NDD/2020 dated 14.07.2020 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, Id. Counsel for applicant/accused.

Sh. S.K. Tripathi, Ld. Addl. PP for State.

E-reply of IO has been filed. On my specific query as to what is the material available against the applicant qua invocation of Section 306 IPC, Id. Additional PP submitted that IO be directed to join hearing through video conferencing to apprise about the same as the police file is with the him.

Accordingly, issue E-notice to IO to file the further status report as to how Section 306 IPC is invoked against the accused and to join the hearing through video conferencing.

E-copy of this order be also served upon the DCP concerned to ensure compliance.

Re-notify on **10.08.2020**.

(Ashutosh Kumar)
Roster Judge
ASJ-01/Special Court
POCSO/ NDD/PHC/ND/04.08.2020/D

FIR No. 11/19
PS Spl Cell
U/s 21/29 NDPS Act
State Vs Mausam Ali & Ors.

04.08.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh Kamal J S Mann, Ld. counsel for applicant/accused Jalil
Khan through VC.

Further part arguments heard.

Let IO be also called for next date of hearing.

List this application for further arguments on **11.08.2020**.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
04.08.2020

FIR No. 36/19
PS Spl Cell
U/s 21/29 NDPS Act
State Vs Dhiraj Kumar

04.08.2020

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh Ratneswar Das, Ld. counsel for applicant/accused Dhiraj
Kumar through VC.

Ld. counsel for accused submitted that accused is suffering from
Hernia and needs to be urgently operated however not getting proper treatment in
jail.

Let medical report from jail superintendent regarding medical
condition of accused Dhiraj Kumar be called for NDOH.

List this application for **10.08.2020**.

Copy of the order be sent to 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
04.08.2020

SC No. 275/19
NCB Vs Tunkara Ali

04.08.2020

Present: Sh. Mukesh Malik, Ld. SPP for NCB through VC.
Sh Hasim Ali, Ld. counsel for applicant/accused Tunkara Ali
through VC.

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

List this application for **11.08.2020**.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
04.08.2020

SC No. 330/18
NCB Vs Festus Chukwudi Odom

04.08.2020

Present: Sh. P C Aggarwal, Ld. SPP for NCB through VC.
Sh Hasim Ali, Ld. counsel for applicant/accused Festus
Chukwudi Odom through VC.

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

List this application for **11.08.2020**.

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

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
04.08.2020

FIR No. 50/20
PS Spl Cell
U/s 22/29 NDPS Act
State Vs Puneet Arora & Anr.
04.08.2020

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh Vishal Chopra, Ld. counsel for applicant/accused Puneet
Arora through VC.

Ld. counsel for accused Puneet Arora submitted that accused was granted interim bail time to time and lastly it was extended on 22.06.2020 on the ground that accused is suffering from Hepatitis A and other ailments and presently also his condition is not well and he is under treatment. Ld. Counsel submits that Full Bench of Hon'ble High Court of Delhi in WP (C) No. 3037/2020 titled as 'Courts on Its Own Motion Vs State & Ors' vide order dated 24.07.2020 have clarified that all the interim bails stands extended till 31.08.2020, therefore, in terms of the above said order of Full Bench of Hon'ble High Court of Delhi, the accused/applicant Puneet Arora is to be released on interim bail till 31.08.2020.

Ld. Addl. PP for the State submits that accused is taking extension on one and another ground and not entitled for any extension.

Heard. Considering the mandate of order dated 24.07.2020 of Full Bench of Hon'ble High Court of Delhi in WP (C) No. 3037/2020 titled as 'Courts on Its Own Motion Vs State & Ors', the interim bail of accused/applicant Puneet Arora is extended till **31.08.2020** on the same terms and conditions.

Application is disposed of accordingly.

Copy of the order be given dasti.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi/04.08.2020

FIR No. 57/19
PS Spl Cell
U/s: 21/29/61/85 NDPS Act
State Vs Mohd Sufiyan & Ors.

04.08.2020

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh S K Santoshi, Ld. counsel for accused/applicant Mohd
Ismail through VC.

Ld. counsel for the accused submitted that this is an application for interim bail on the ground that marriage of daughter of accused to be solemnized on 25.08.2020. Ld. counsel submits that previously the marriage had to take place on 19.04.2020 however due to lockdown, it was extended to 25.08.2020. Ld. counsel however submits that vide order dated 11.03.2020, this court has already dismissed the interim bail on this ground. Ld. counsel however submits that as the marriage is postponed therefore filing this application again to release the applicant on humanitarian ground for solemnization of marriage of his daughter as the present accused has to make all arrangements.

Ld. Addl. PP for the State submits that on secret information, accused Mohd Ismail and Md Sufiyan were apprehended and from search of bag of accused Md Sufiyan, 11kg of heroin was recovered and from bag of Mohd Ismail, 14 kg of heroine was recovered and from car, 25 kg of heroin was recovered. Ld. Addl. PP submits that on the basis of disclosure of accused, accused Manoj Kumar Das was apprehended thereafter accused Hasim @ Neta was arrested. He submits that all the accused are found to be communicating with mobiles and on the basis of interception, the gang was busted and voice calls were sent to CFSL for testing however reports are still awaited. He submits that there is a recovery of huge commercial quantity of heroin from accused and there is definite bar over release of accused on regular or interim bail u/s 37 NDPS Act. Ld. Addl. PP submits that on this very ground, this court has already dismissed the application for interim bail, therefore, the accused is not entitled to be released on interim bail on same ground.

Furthermore the guidelines of Empowered Committee of Hon'ble High Court dated 18.05.2020 are also not applicable.

Heard. The accused persons found to be involved in a big drug syndicate and there is a huge commercial quantity of heroin was recovered from present accused. It is most likely that if he be released on interim bail on the ground of marriage of his daughter, he is likely to indulge in same activity again and even most likely to abscond from trial. Furthermore, no exceptional circumstances made out for accused to be released on interim bail (relied upon Delhi High Court in CrI. Reference 1/2015 dated 26.02.2016 in case titled Athar Parvez Vs State). Even otherwise, the interim bail on same ground has already been dismissed, therefore, no ground made out to release the applicant/accused Mohd Ismail on interim bail. Hence, present interim bail application dismissed and 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
04.08.2020

FIR No. 131/2018
PS Special Cell
State Vs Oscar
U/s 21/29 NDPS Act

04.08.2020

Present: Sh. Amar Phogat, Ld. Counsel for accused Oscar through VC.
Sh. Ravinder Kumar. Ld. Addl. PP for the State through VC.

This is an application seeking regular bail u/s 439 Cr.PC moved on behalf of applicant/accused Oscar.

Ld. Counsel for accused submitted that accused is in JC since 24.10.2018 and the entire recovery of 4 kg of heroin is planted over the accused. Ld. Counsel submits that accused is stated to have been apprehended near bus stop Saidulajaib near metro station Saket i.e. from the public place however no public witness was joined in the investigation. Ld. Counsel further submits that there is also non compliance of section 50 NDPS Act as the search was not taken in presence of gazetted officer or magistrate. Ld. Counsel submits that due to lockdown, the case is not proceeding and is not likely to proceed in near future. Ld. Counsel submits in these circumstances, the applicant be released on bail.

Ld. Addl. PP for the State submits in present case, on secret information accused Surjeet Singh and Oscar, Nigerian national were arrested near bus stop, Saibulajab and in total 8 kg of Heroin was recovered. 04 kg each of heroin from shoulder/hand bag of accused Surjeet and Oscar. Ld. Addl. PP submits that charges have already been framed and matter is at the stage of PE. There is clear embargo u/s 37 of NDPS over grant of bail. He submits that if the accused is released on bail, he may abscond and will indulge in such activity again. Furthermore, the bail application of co-accused on the same ground has already been dismissed vide order dated 05.02.2020.

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 nonobstante 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 a huge amount of commercial quantity of 08 kg of Heroine is recovered in this case and from present accused, 04 kg was recovered from shoulder bag and there is a definite bar u/s 37 of NDPS Act over releasing on bail. 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 safeguards 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. Hence, at this stage, it cannot be held that the procedure

u/s 50 NDPS Act is applicable in present facts and circumstances.

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* CrI.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* CrI.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 Oscar 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)
Special Judge-NDPS
New Delhi/04.08.2020

CR No.3897/19

Case no.820/19

Dhiti Biotech (India) Pvt Ltd Vs. State & Anr

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Maven, Ld. Counsel for the revisionist through video conferencing.


Sh. Irfan Ahmed, Ld. Addl. PP for the State/R-1 through video conferencing.

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Heard perused. Issue notice to the respondent no.2 for 11.08.2020.

TCR be requisitioned one day before the NDOH.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

CC No.57/2018
Case No.52/2018

Directorate of Enforcement Vs. Sukhbir Shokeen

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.


In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Atul Tripathi, Ld. SPP for ED through video conferencing.
None for the accused.

Despite telephonic information and email (Copy of the email is placed on record), none has appeared on behalf of the accused. However, due to the present pandemic Covid-19 situation, no adverse order is being passed against the accused.

Issue notice to counsel for the accused for the NDOH.

Put up for arguments on charge on 28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

CA No.05/2020
Satpal Yadav Vs. Devender Yadav & Anr

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.


In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: None for the appellant.
 None for the respondents.

Despite telephonic information and email (Copy of the email is placed on record), none has appeared on behalf of the parties. However, due to the present pandemic Covid-19 situation, no adverse order is being passed against the parties.

Issue notice to the parties and their respective counsels for

28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

FIR No. 110/2010
P.S Special Cell (Keshav Puram)
U/s 395/411/120B IPC
State Vs. Nasir Iqbal & Ans

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.


Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

Accused persons are absent.

Sh. Shivaji Shukla, Ld. Counsel for accused Mohd. Shamim @ Chimman through video conferencing.

None has appeared on behalf of the accused persons except accused Mohd. Shamim @ Chimman. However, due to the present pandemic Covid-19 situation, no adverse order is being passed against the accused persons.

Put up for PE on **28.09.2020**.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

SC No.66/2019
Case No.449/2019
FIR No.68/2019
State Vs. Arshu
PS:Special Cell

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.


Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

Sh. Faroop Ahmed, Ld. Counsel for the accused through video conferencing.

Accused absent.

Adjournment is sought by the Ld. Counsel for the accused for arguments on charge.

At request, put up for arguments on charge 28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

**Case No.22/2018
CC No.16/18
Raja Ram Vs Amit & Ors**

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.


In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

None for the complainant.

None has appeared on behalf of the complainant. However, due to the present pandemic Covid-19 situation, no adverse order is being passed against the complainant.

Issue notice to the complainant for **28.09.2020**.


**(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020**

**Case No.314/19
FIR No. 194/2019
P.S Sagar Pur
U/s 3 of SC/ST Act
State Vs. Cancellation**

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.


In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

None for the complainant.

None has appeared on behalf of the complainant. However, due to the present pandemic Covid-19 situation, no adverse order is being passed against the complainant.

Issue notice to the complainant for 28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

State v. Gaurav Kohli
FIR No. 688/2014
PS Delhi Cantt
U/s 302/307/120B/34 IPC.
04.08.2020.

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 and 6326-6415/D&SJ/NDD/2020 dated 15.06.2020 to combat the pandemic of COVID 19.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for State.
Sh. Rajesh Kumar, Ld. counsel for applicant/accused.
Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant/accused for grant of interim bail. It is submitted that the applicant/accused has been in custody since 25.12.2014. It is submitted that the case is at the stage of recording of prosecution witnesses and out of 46 witnesses, only 16 witnesses have been recorded. It is submitted that trial in the instant matter is likely to consume considerable time. It is further submitted that the mother of the applicant/accused, aged about 65 years, is suffering from heart ailment and has been advised to be admitted in hospital for further procedure. It is submitted that she is living all alone and there is no one in the family to look after her. It is thus prayed that he be granted interim bail to look after her mother.


Ld. Addl. PP has vehemently opposed the bail application arguing that allegations are serious in nature and applicant/accused is found to be involved in as many as 44 cases. It is submitted that he is also declared as Bad Character of P.S Delhi Cantt in Active 'A' category. Hence, he does not deserve to be released on interim bail.



Interim bail can only be granted in exceptional circumstances. In the instant matter, as per the report of the IO, the prescription slip of mother of applicant/accused has been verified by him but there is no mention by the doctor that any attendant is required for the patient/his mother. Hence, there are no exceptional grounds to release the applicant/accused on interim bail.

Considering the seriousness of allegations, previous criminal antecedents of the applicant/accused and enormity of charge, I do not find it to be a fit case to grant interim bail to the applicant/accused. Hence, his interim bail application stands dismissed.

Application is disposed of accordingly.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

State v. Vijay Thevar
FIR No. 55/2019
U/S 302/307/34 IPC & 25/27 Arms Act
P.S: Inderpuri

04.08.2020

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 and 6326-6415/D&SJ/NDD/2020 dated 15.06.2020 to combat the pandemic of COVID 19.


Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State.
Sh. Nitin Sehgal, Ld. counsel for applicant/accused.

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Adjournment is sought by Ld. counsel for applicant/accused requesting that the present application be kept pending till framing of charges against the accused.

As prayed, list the bail application for consideration on 18.08.2020 with the main case file.


(Dharmender Rana)
Roster Judge
ASJ-02/NDD/PHC/ND
04.08.2020

SC No.14/2020
FIR No.185/2019
PS:Special Cell
State Vs. Ravi & Anr

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.


Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

Accused persons are absent.

Sh. Dinesh Prasad Pandey, Ld. Counsel for the accused persons.

Adjournment is sought by the Ld. Counsel for the accused persons for arguments on charge.

Put up for arguments on charge on 28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

State v. Manoj @ Band
FIR No. 67/2013
U/s 302/109/114/34 IPC
PS Mandir Marg

State v. Manoj @ Band
FIR No. 22/2013
U/s 307/186/353/34 IPC
PS Special Cell

04.08.2020

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 and 6326-6415/D&SJ/NDD/2020 dated 15.06.2020 to combat the pandemic of COVID 19.


Present: Sh. Irfan Ahmed, Ld. Addl PP for the State.
Sh. Akram Khan, Ld. counsel for accused Manoj @ Band.

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Medical status report of accused Manoj @ Band has been received from Superintendent, Central Jail no. 8/9, Tihar New Delhi wherein it has been informed that accused has been given all appropriate treatment i.e. Angioplasty has already been conducted on 01.08.2020 in G. B. Pant Hospital.

List the matter for purposes fixed on date already fixed.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

**Case No.9170/2016
FIR No. 36/2014
P.S Special Cell
U/s 489B/489C/120B IPC
State Vs. Baharuddin & Other**

04.08.2020

Vide order nos.5837-5927/D&S/J/NDD/2020 dt. 30.05.2020 & 5931-6021/D&S/J/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&S/J/NDD/2020 dated 01.04.2020, 4407-4426/D&S/J/NDD/2020 dated 10.04.2020, 4518-4608/D&S/J/NDD/2020 dated 15.04.2020, 5111-5200/D&S/J/NDD/2020 dated 03.05.2020, 6364-6454/D&S/J/NDD/2020 dated 16.05.2020, 6326-6415/D&S/J/NDD/2020 dated 15.06.2020 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.


In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

None for the accused persons.

Due to the present pandemic Covid-19 situation, no adverse order is being passed against the accused persons.

Put up for PE on 28.09.2020.


**(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020**

SC No.96/19
FIR No. 137/2018
P.S Special Cell
U/s 489B/489C IPC

State Vs. Farukh Sheikh @ Lambu & Anr

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.


In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.

None for the accused persons.

Due to the present pandemic Covid-19 situation, no adverse order is being passed against the accused persons.

Put up for PE on 28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

SC No.04/18
FIR No. 79/2017
P.S Special Cell
U/s 307/186/353 IPC & 25/27 of Arms Act
State Vs. Pardeep Rana

04.08.2020


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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

In compliance with the work suspension orders of Hon'ble High Court of Delhi, matters listed on 20.04.2020 and 11.06.2020 were adjourned for 04.08.2020.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State through video conferencing.
None for the accused.

Due to the present pandemic Covid-19 situation, no adverse order is being passed against the accused.

Put up for PE on 28.09.2020.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020.

FIR No. 22/2020
U/s124A/153A/153B/505 IPC
& u/s 13 UAPA
P.S. Crime Branch
State v. Sharjeel Imam
04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State.
Ms. Surabhi Dhar, Ld. counsel for applicant/accused.
Proceedings done through video conferencing.

It is certified that the link was working properly and no grievance was agitated by either of the counsel in this regard.


Present is an application u/s 173(7) and 207 CrPC moved on behalf of applicant/accused for supply of copy of charge-sheet of the present case alongwith all documents and statements filed by the investigating agency in the present case.

Ld. Addl. PP has submitted that Hon'ble LG has recently notified another court to deal with UAPA cases pertaining to Delhi riots. He submits that jurisdiction to try these cases now vests with a newly notified court.

Ld. defence counsel has vehemently opposed the contention of Ld. Addl. PP submitting that the present FIR has been registered prior to Delhi riot cases. Thus this notification is not applicable to the case at hand.

In the instant matter, the notification is yet to be officially communicated to this court. In these circumstances, at joint request, matter stands adjourned.

List the application for consideration on **07.08.2020**.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020.

At 5: 50 PM

Present : Ld APP.


None for the applicant

At this stage, this court has received the orders from the Hon'ble High Court vide communication bearing No. 2051-52/G-I/Gaz/DHC/2020 dated 04.08.2020, along with a copy of the gazette notification bearing no. F. No. 6/13/2020/Judl./Suptlaw/788-793 dated 03.08.2020, whereby the two cases relating to communal violence/riots which took place in Delhi early this year i.e. FIR No. 22/20 P.S, Crime Branch and FIR No. 59/20 P.S, Crime Branch have been transferred to the special designated Court of Ld. Addl. Sessions Judge-03, Shahdara, Delhi.

Accordingly, the present case be placed before Ld. District & Sessions Judge, New Delhi District, Patiala House Courts on 05.08.2020 with a request for appropriate directions in this regard.

Reader is directed to inform the Counsel for the accused about the instant order through mail, telephone, whatsapp and all possible modes.

Date of 07.08.2020 stands cancelled.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020

FIR No. 59/2020
U/s 13/16/17/18 of UAPA
U/s 120B/124A, 302, 307, 353, 186, 212, 395, 427, 435, 487, 435, 436, 452, 109,
114, 147, 148, 124A, 153A, 34 IPC u/s 25/27 Arms Act
P.S. Crime Branch
State v. Devangana Kalita

04.08.2020

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 and 1977-2009/DHC/2020 dated 30.07.2020 to combat the pandemic of COVID 19.

Present: Sh. Amit Prasad, Ld. Spl. PP for the State.
Sh. Adit S. Pujari, Sh. Kunal Negi and Ms. Tusharika Mattoo, Ld. counsel for applicant/accused.

Proceedings done through video conferencing.

It is certified that the link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application u/s 439 CrPC moved on behalf of applicant/accused Devangana Kalita for grant of bail.

Ld. Addl. PP has submitted that Hon'ble LG has recently notified another court to deal with UAPA cases pertaining to Delhi riots. He submits that jurisdiction to try these cases vests with a newly notified court.

In the instant matter, the notification is yet to be officially communicated to this court. In these circumstances, matter stands adjourned for further proceedings.

List the application for consideration on **14.08.2020**.



(Dharmender Rana)

ASJ-02/NDD/PHC/ND: 04.08.2020

At 5: 50 PM

04.08.2020.

Present : Ld. APP.

None for the accused


At this stage, this court has received the orders from the

Hon'ble High Court vide communication bearing No. 2051-52/G-I/Gaz/DHC/2020 dated 04.08.2020, along with a copy of the gazette notification bearing no. F. No. 6/13/2020/Judl./Suptlaw/788-793 dated 03.08.2020, whereby the two cases relating to communal violence/riots which took place in Delhi early this year i.e. FIR No. 22/20 P.S, Crime Branch and FIR No. 59/20 P.S, Crime Branch have been transferred to the special designated Court of Ld. Addl. Sessions Judge-03, Shahdara, Delhi.

Accordingly, the present case be placed before Ld. District & Sessions Judge, New Delhi District, Patiala House Courts on 05.08.2020 with a request for appropriate directions in this regard.

Reader is directed to inform the Counsel for the accused about the instant order through mail, telephone, whatsapp and all possible modes.

Date of 14.08.2020 stands cancelled.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
04.08.2020