

CBN Vs. Surender Kumar
File No. P&I/Del/Seizure/02/2019

19.09.2020

Present: Sh. Satish Aggarwala, Ld. SPP for CBN through VC.

Ld. SPP submits that the competent court for dealing the present application u/s 52A (2) NDPS Act for certifying the correctness of attached panchnama/inventory and to take photographs and certify the photographs as true and allow drawal of representative sample again under the supervision of court and certify the correctness thereof is the court of Metropolitan Magistrate. Ld. SPP submits that Duty MM on 24.06.2020 only mentioned to put this application before the regular court and the concerned court for regular hearings for this application is concerned MM and not the present court therefore requested that present application be referred back to concerned MM.

Considering the submissions, the present application be sent back to the concerned MM through the Ld. CMM, Patiala House Court, New Delhi. Parties to appear before Ld. CMM on 21.09.2020 at 02.00 PM. Ahlmd is directed send the present application complete in all respect to the court of Ld. CMM, Patiala House Courts, New Delhi forthwith.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

NCB Vs. Tshanda Kapinga Wadi
Case No. SC/305/2019

19.09.2020

Present: Sh. Mukesh Malik, SPP for NCB through VC.
Ms. Katyayini, Ld. Counsel for applicant/accused Tshanda
Kapinga Wadi through VC.

This is an application for release of article of personal
belongings on superdari.

Ld. SPP requires sometime to file reply.

Accordingly, list this application for 26.09.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 100/18
State Vs. Sidharth & Anr.
PS Special Cell

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.
Sh. Rajesh Kumar, Ld. Counsel for applicant/accused Sidharth
through VC.

This is an application for supply of copies of chargesheet
alongwith documents filed by counsel Sh. Rajesh Kumar.

Jail superintendent is directed to produce the accused through
VC on next date of hearing.

List this application on 25.09.2020. Copy of the order be sent
to Jail Superintendent for compliance.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

NCB Vs. Henry Emeka Ndupu & Anr.
Case No. SC/8801/16

19.09.2020

The case is being taken up on physical appearance of parties in pursuance of Roster for physical appearance dated 27.08.2020 passed by Ld. District and Sessions Judge.

Present: Sh. P.C. Aggarwal, SPP for NCB.

Accused Henry Emeka produced from JC through VC.

Accused Sharon Phocum present on interim bail.

Sh. Kanhaiya Singhal, Ld. Counsel for accused Henry Emeka through VC.

Sh. Y.K. Saxena, Ld. Counsel for accused Sharon Phocum.

At request, list this case for arguments on application u/s 311 Cr.PC for 22.09.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

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

19.09.2020

The case is being taken up on physical appearance of parties in pursuance of Roster for physical appearance dated 27.08.2020 passed by Ld. District and Sessions Judge.

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State alongwith IO SI Jitender Tiwari.

Accused Vinod Kumar, Moosa Koya KP and Umar Farooq produced from JC through VC.

Sh. Y.K. Saxena, Ld. Counsel for accused Moosa Koya KP and Umar Farooq through VC.

Sh. S.A. Khan, Ld. Counsel for accused Vinod Kumar through VC.

Written arguments filed on behalf of accused Vinod Kumar however written arguments already also received on behalf of accused Moosa Koya KP and Umar Farooq on last date of hearing through email but inadvertently this fact was not mentioned in the ordersheet.

Part further arguments heard.

List this case for remaining final arguments for 24.09.2020. Jail Superintendent is directed to produce the accused Vinod Kumar, Moosa Koya KP and Ummar Farook Badaje on next date through VC. Copy of the order be sent to Jail Superintendent for compliance.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

NCB Vs. Monica Rainheart
Case No. SC/134/2020

19.09.2020

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

Accused produced from JC through VC.

Sh. Nitesh Singh, Ld. Counsel for accused through VC.

Upon asking, accused confirms that Sh. Nitesh Singh is her counsel and submits that the copy of complaint and documents be supplied to him.

Accordingly, let the copies of complaint and documents be supplied to Sh. Nitesh Singh, Advocate on proper receiving.

List this case for arguments on charge on 06.10.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 310/2014
State Vs. Ram Sewak @ Chhote & Anr.
PS Mandir Marg

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.
Accused Ram Sewak on interim bail not present.
Accused Laxmi Prasad produced from JC through VC.
No PW present.

Issue notice to accused Ram Sewak to be present on next date of hearing through IO. Jail Superintendent is directed to produce accused Laxmi Prasad through VC on next date of hearing.

List this case for further proceedings on 03.11.2020. Copy of the order be sent to IO as well as to jail superintendent for compliance.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 486/14
State Vs. Harsh @ Hany & ors.
PS Delhi Cantt.

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.

All accused on bail not present.

No PW present.

Issue notice to accused to be present on next date of hearing through IO.

List this case for further proceedings on 03.11.2020. Copy of the order be sent to IO for compliance.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 17/12
State Vs. Tauhid Khan & Ors.
PS Special Cell

19.09.2020

The case is being taken up on physical appearance of parties in pursuance of Roster for physical appearance dated 27.08.2020 passed by Ld. District and Sessions Judge.

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.

All accused produced from JC.

Sh. S.S. Das, Ld. Counsel for accused Ashhab Khan.

Today matter is listed for final arguments however an application u/s 311 Cr.PC was filed on behalf of accused Ashhab Khan which is listed for 24.09.2020.

Accordingly, list this matter for arguments on the said application/final arguments for 24.09.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

Omwati Vs. Sanjay
Case No. CA/161/2018

19.09.2020

The case is being taken up on physical appearance of parties in pursuance of Roster for physical appearance dated 27.08.2020 passed by Ld. District and Sessions Judge.

Present: None for appellant.

Respondent Sanjay in person.

Respondent submits that appellant despite number of opportunities is not making payment in terms of settlement.

Issue notice to appellant for next date.

List this appeal for 03.11.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

At this stage, Sh. K.K. Chauhan, Advocate has appeared on behalf of appellant. He has been apprised of next date of hearing.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 160/2019
State Vs. Bajlur Rahaman & Ors.
PS Special Cell

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.
Sh. Sharik Nisar, Ld. Counsel for accused Mehboob Rehman
through VC.

This is an application for supply of chargesheet alongwith documents however it is reported that it has already been supplied therefore Ld. Counsel requests to withdraw the present application.

The present application is therefore dismissed as withdrawn.
Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 39/2016
State Vs. Mohd. Hafiz
PS Special Cell

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State alongwith
IO SI Rahul Kumar.

Sh. Kanhaiya Singhal, Ld. Counsel for accused Mohd. Hafiz
through VC.

Ld. Addl. PP submits that present application for regular bail is
not applicable as accused is already on interim bail.

Accordingly, at the request of Ld. Defence counsel, list this
application on 20.10.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 16/19
State Vs. Sajid Ali & Ors.
PS Special Cell

19.09.2020

The case is being taken up on physical appearance of parties in pursuance of Roster for physical appearance dated 27.08.2020 passed by Ld. District and Sessions Judge.

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.

All accused persons produced from JC through VC.

Sh. Syed Salman Haider, Ld. Counsel for accused Sajid Ali, Shakir and Rasid.

Sh. R.K. Giri, Ld. Counsel for accused Ansar Khan.

Ld. Addl. PP seeks some more time to argue on charge.

Accordingly, at request of Ld. Addl. PP for State, list this case for arguments on charge on 24.09.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 57/19
State Vs. Md. Sufiyan & Ors.
PS Special Cell

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.
Accused Manoj Kumar Das on bail not present
Accused Md. Ismail, Md. Sufiyan and Hasim @ Neta produced
from JC through VC.
Sh. Gaurav Goel, Ld. Counsel for accused Manoj Kumar Das
through VC.
Sh. Kanhaiya Singhal, Ld. Counsel for accused Md. Sufiyan
through VC.

At request, list this case for arguments on charge on
14.10.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

Swati Chaturvedi Vs. State & Anr.
Case No. CR/628/18

19.09.2020

The case is being taken up on physical appearance of parties in pursuance of Roster for physical appearance dated 27.08.2020 passed by Ld. District and Sessions Judge.

Present: Sh. V.K. Ohri, Ld. Counsel for revisionist.

Sh. Ravinder Kumar, Ld. Addl. PP for the State/respondent no.1.

None for respondent no.2.

Issue notice to respondent no.2 for next date.

Notice be sent to respondent no.2 through e-mail and WhatsApp. Assistant Ahlmad is directed to tell the next date of hearing to respondent no.2 telephonically.

List this revision petition on 13.10.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

NCB Vs. Tejas Rajesh Patel
NCB File No. VIII/9 & 9A/DZU/2020

19.09.2020

Present: Sh. Mukesh Malik, SPP for NCB through VC.
Sh. Abhay Pandey, Ld. Counsel for accused Tejas Rajesh Patel
through VC.

Ld. Counsel submits that this is an application for interim bail
as the medical condition of accused is not well.

Accordingly, let medical status report of accused be called
from jail superintendent.

List this application on 25.09.2020. Copy of this order be sent
to jail superintendent for compliance.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

FIR No. 09/19
State Vs. Sunil Kumar @ Raju & Ors.
PS Special Cell

19.09.2020

Present: Sh. Ravinder Kumar, Ld. Addl. PP for the State.
Sh. Amit Sharma and Sh. Vijay Sharma, Ld. Counsels for
accused through VC.

Part arguments heard. During arguments Ld. Addl. PP submits
that custodial interrogation is also required for accused Vishal Singh to
collect his voice samples and further requested time to file the transcripts.

Accordingly, list this application on 26.09.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Special Judge-NDPS
New Delhi/19.09.2020

- 1. Bail Application No. 1171/20
State Vs. Mamta**
- 2. Bail Application No. 1172/20
State Vs. Simla Devi**
- 3. Bail Application No. 1173/20
State Vs. Balak Ram**
- 4. Bail Application No. 2043/19
State Vs. Vikas Kumar**

**FIR No. 491/19
U/s 377/354/509/498A/406/34 IPC
PS : Sagarpur**

19.09.2020

Vide order No.8832-8879/Bail&Filing/Judl./D&SJ/NDD/2020 dated 31.08.2020 and in continuation of earlier office order No.7921-8010/Bail&Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 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. R. D. Singh, Ld. Counsel for applicant/accused (through Video Conferencing).
Sh. Rajat Kalra, Ld. Addl. PP for State.
None for complainant.

Heard. Perused.

Ld. Counsel for applicant has submitted that the husband of complainant (Vikas) came in contact with the COVID-19 patient and was advised to stay at home and did not appear before Mediation Centre on date fixed there. He has further submitted that the next date given before Mediation Centre is 26.09.2020 and has requested that the date thereafter may be given for herring of

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this bail application.

Accordingly, re-notify on **03.10.2020**, awaiting outcome of the mediation proceedings.

This Court is satisfied qua audio & video connectivity of the video conference hearing.

(Ashutosh Kumar)
Roster Judge
ASJ/Special Court POCSO
NDD/PHC/ND/19.09.2020/A

**Bail Application No. 1960/20
State Vs Gurnam Singh
FIR No. 196/2020
U/s 419/420 IPC
& 12 Passport Act
PS : IGI Airport**

19.09.2020

Vide order No.8832-8879/Bail&Filing/Judl./D&SJ/NDD/2020 dated 31.08.2020 and in continuation of earlier office order No.7921-8010/Bail&Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 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. Amrendra Kumar Mehta, Ld. Counsel for applicant/accused (through Video Conferencing).
Sh. Rajat Kalra, Ld. Addl. PP for State.

Reply signed under the signature of IO SI Kaushlesh Kumar Jha from P.S. IGI Airport has been filed.

Ld. Counsel for applicant has submitted that the applicant has been taken into custody and thus this anticipatory bail application has become infructuous and may accordingly be disposed of. Ordered accordingly.

Bail application stands disposed of. Dasti to all concerned.

This Court is satisfied qua audio & video connectivity of the video conference hearing.

**(Ashutosh Kumar)
Roster Judge
ASJ/Special Court POCSO
NDD/PHC/ND/19.09.2020/A**

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Bail Application No.1278/20
State Vs. Arun
FIR No.369/20
U/s. 147/148/149/323/308/506 IPC
PS : Inderpuri

19.09.2020

Vide order No.8832-8879/Bail&Filing/Judl./D&SJ/NDD/2020 dated 31.08.2020 and in continuation of earlier office order No.7921-8010/Bail&Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 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. Mahesh Kumar, Ld. Counsel for applicant/accused Arun
(through Video Conferencing).
Sh. Rajat Kalra, Ld. Addl. PP for State.
IO/Insp. Pawan Tomar (through Video Conferencing).

E-reply of IO has been filed.

Heard. Perused.

On submissions of Ld. Counsel for applicant/accused, IO has admitted that three of the accused persons have been released on bail and the case of the applicant is on similar footing and there is no other criminal case pending against the applicant.

Keeping in view aforesaid and on the ground of parity, the **applicant/accused Arun** is ordered to be released on bail on furnishing his

personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned Ld. MM/Duty MM/Link MM. However, it is made clear that the applicant shall not try to contact, influence or pressurize the prosecution witnesses and shall not tamper with the evidence and in case it is prima facie brought to the notice of the Court that the applicant is violating the said terms, his bail will be liable to be canceled.

Application is accordingly disposed of.

E-copy of this order be also sent to the applicant (through concerned Jail Superintendent) as well as to the concerned Ld. MM/Duty MM/Link MM for information and compliance.

Bail application file be consigned to Record Room. Dasti to all concerned.

This Court is satisfied qua audio & video connectivity of the video conference hearing.

(Ashutosh Kumar)
Roster Judge/ASJ/Special Court POCSO
NDD/PHC/ND/19.09.2020/D

Bail Application No.1211/20
State Vs. Arindham Chaudhari
U/s. 89 Finance Act, 1994
PS : CGST, South

19.09.2020

Vide order No.8832-8879/Bail&Filing/Judl./D&SJ/NDD/2020 dated 31.08.2020 and in continuation of earlier office order No.7921-8010/Bail&Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 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: None for applicant/accused Arindham Chaudhari.

None for CGST.

The arguments on this interim bail application of applicant/accused were heard on 18.09.2020 and it is fixed for order today.

1. The present application u/s 439 Cr.P.C. has been filed on behalf of the applicant seeking interim bail for a period of 45 days in view of the directions/guidelines dated 07.04.2020 of the High Powered Committee of Hon'ble Delhi High Court constituted pursuant to order dated 23.02.2020 of Hon'ble Supreme Court of India in *Suo Moto Writ Petition (C) No.1/2020 – IN RE : CONTAGION OF COVID-19 VIRUS IN PRISONS*

2. Ld. Counsel for applicant had submitted that in terms of directions/guidelines contained in item no.3(iii) dated 07.04.2020 of Hon'ble HPC, all under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, chargesheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less, have to be released on interim bail for 45 days, preferably on personal bond. He had further

submitted that only Section 89 of the Finance Act, 1994 has been invoked against the applicant which is punishable with imprisonment up to 7 years and fine and since the applicant is in custody from 21.08.2020 in this case and has already spent more than 15 days in custody, therefore his case is covered by the said direction of Hon'ble HPC and the applicant has to be released on interim bail for 45 days on personal bond. Ld. Counsel for applicant had further submitted that offences pertaining to the Prevention of Corruption Act, PMLA, cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc., only have been excluded, who are not to be released on interim bail. He had further submitted that the said exclusions/exceptions are exhaustive and the word 'etc' used in the said exceptions/exclusions cannot be construed to include the offence under Section 89 of the Finance Act, 1994. He has further submitted that the judgment dated 10.08.2020 in W.P.(CrI.) 814/2020 titled 'Malvinder Mohan Singh Vs. State of NCT of Delhi & Anr.' by Hon'ble Delhi High Court relied upon by the opposite side is not applicable in the case of the applicant as the said case pertained to PMLA and was investigated by Enforcement Department. He has further submitted that the reasoning given in interim bail rejection order dated 21.08.2020 (Bail Application No.1596/2020) titled 'DGGI Vs. Reema Tandon' by Sh. M.K. Nagpal. Ld. Roster Judge, PHC, New Delhi is not applicable to the facts of the present case as the applicant is not a Director and was not actively involved in the day-to-day affairs of the management of the company.

3. Per contra, Ld. SPP for CGST Department has submitted that the aforesaid grounds for grant of interim bail of 45 days in terms of guidelines dated 07.04.2020 of Hon'ble HPC, were also taken before Ld. CMM but the said interim

bail application was rejected vide order dated 05.09.2020 by Ld. CMM (copy of order is annexed with the bail application).

4. In the aforesaid exclusions/exceptions (of Hon'ble HPC dated 07.04.2020), the use of the word 'etc' along with the cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act, clearly shows that the said list was not exhaustive. The offences investigated by aforesaid specialized agencies which are normally serious in nature and including economic offences, were excluded out of the recommendation for grant of interim bail. The use of word 'etc' itself shows that matters investigated by other specialized agencies like CGST can be construed to be included in the exceptions/exclusions. The offence u/s 89 of Finance Act is an economic offence. Besides the letter, the spirit of the said recommendation also cannot be ignored. Hence in my considered opinion, the offence u/s 89 of the Finance Act investigated by CGST would fall under the category of exclusions/exceptions to recommendation for release of the accused persons on interim bail.

5. Vide order dated 11.06.2020 in bail application No.1142/2020 titled 'Behruddin Vs. State of NCT of Delhi' it was held as under in para no.18 by Hon'ble Delhi High Court:-

“18. It is for this reason that certain categories of inmates have been recommended as deserving favourable consideration, for enlargement on interim bail, subject to furnishing of a personal bond. These recommendations, having been arrived at, by a High Powered Committee of this Court, are, unless the circumstances otherwise justify, required to be

adhered to, and the onus would be on the prosecution to, in cases which fall within the categories stated to be deserving of interim bail, therein, establish that the inmate concerned does not deserve to be so enlarged.”

6. Even if for argument sake, it is assumed that the case of the applicant falls in the criteria laid down for release of the applicant on interim bail still in view of aforecited case of 'Behruddin Vs. State of NCT of Delhi', it is clear that the aforesaid recommendation by Hon'ble HPC is required to be adhered to unless the circumstances otherwise justify and the onus of the same would be on prosecution to establish that the inmate does not deserve to be enlarged on interim bail. Considering the nature of the offences, the allegation that the accused had defrauded the Government exchequer to the tune of Rs.22,41,07,389/- by making fake debit entries in the ST-3 returns for the period 2016-2017 & 2017-18 (April, 2017 to June 2017) and in view of the allegation that the accused was the majority shareholder owning about 95% shares of the company whose transactions are in question and was thus prima facie incharge and responsible for the affairs of the company and in view of the large number of similar criminal cases pending against the applicant (as per list filed), I am of the considered opinion that prima facie the prosecution has been able to discharge its onus that the applicant does not deserve to be enlarged on interim bail.

7. Consequently in view of the aforesaid discussion, the application for grant of interim bail is dismissed. Dasti to all concerned.

8. Bail application file be consigned to Record Room.

(Ashutosh Kumar)
Roster Judge/ASJ/Special Court POCSO
NDD/PHC/ND/19.09.2020/D