

**B.A.No. 210/2021**  
**FIR No.127/2021**  
**PS Kashmere Gate**  
**State v. Anisha**  
**U/s 21/25/29 NDPS Act**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.

Sh. Hemendra Jailiya, Ld. Counsel for accused-  
applicant through video conferencing.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of  
regular bail on behalf of accused-applicant Anisha in case FIR No.  
127/2021.

Reply is filed. Copy is supplied to Ld. counsel for  
accused-applicant.

In the course of arguments, ld. counsel for the  
accused-applicant submits that accused-applicant in custody is  
suffering from several ailments. In Paragraph no. 8 of the  
application it is stated that accused-applicant is suffering from  
intestinal Tuberculosis, asthma and eye infection.

Let medical health status report in respect of accused-  
applicant be called for from Jail Superintendent concerned for the  
next date of hearing.

For report and consideration, put up on **26.07.2021**.

Copy of order be forwarded to Ld.Counsel for accused-  
applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**B.A.No. 151/2021  
FIR No. 165/2018  
PS Crime Branch  
State v. Srinivas  
U/s 21/29 NDPS Act**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.

Sh. Jitender Kumar, Ld. Counsel for accused-  
applicant through video conferencing.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of  
regular bail on behalf of accused-applicant Srinivas in case FIR  
No. 165/2018.

Ld. Addl. PP seeks some time for filing reply. Reply  
may be filed on or before the next date of hearing.

For consideration put up on **27.07.2021**.

Copy of order be forwarded to Ld.Counsel for accused-  
applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**B.A.No. 169/2021**  
**FIR No. 236/2020**  
**PS Sadar Bazar**  
**State v. Sanjay Mandal**  
**U/s 20 NDPS Act**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.  
Sh. Yatinder Kumar, Ld. LAC for accused-applicant  
through video conferencing.  
Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of  
regular bail on behalf of accused-applicant Sanjay Mandal in case  
FIR No. 236/2020.

Reply is filed. Copy is supplied.

Ld. LAC submits that due to some connectivity issue  
today at his end, the audio is very weak and seeks adjournment on  
this ground.

For consideration, put up on **28.07.2021**.

Copy of order be forwarded to Ld.Counsel for accused-  
applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**B.A.No. 188/2021**  
**FIR No. 243/2017**  
**PS Burari**  
**State v. Jaswant Singh @ Raja**  
**U/s 363/365/302/120B IPC and 25/27 Arms Act**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.  
Sh. Piyush Pahuja, Ld. Counsel for accused-  
applicant through video conferencing.  
Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of interim  
bail on behalf of accused-applicant Jaswant Singh @ Raja in case  
FIR No. 243/2017.

Ld. counsel for accused-applicant seeks some more  
time to file order passed in previous application for interim bail as  
per guidelines in the year 2020.

For filing of order and consideration, put up on  
**28.07.2021**

Copy of order be forwarded to Ld.Counsel for accused-  
applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**M.A.No. 96/2021**  
**FIR No. 243/2017**  
**PS Burari**  
**State v. Saheb Khan @ Bunty**  
**U/s 302/304 IPC**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.  
Sh. Javed Alvi, Ld. Counsel for accused-applicant  
through video conferencing.  
Hearing is conducted through video conferencing.

This is an application for modification of order dated  
12.07.2021 cum grant of bail on behalf of accused-applicant Saheb  
Khan @ Bunty in case FIR No. 243/2017.

Ld. counsel for accused-applicant submits that accused-  
applicant was granted interim bail on 12.07.2021, in case FIR  
no.245/2017, and that there was mentioned of FIR no. 243/2017 also in  
the said application and that separate applications were not preferred in  
the said two FIR'S as the trial has been consolidated in the said two  
FIR's and that inadvertently, FIR No. 243/2017 could not be mentioned  
in the order, and that as both the cases are clubbed together, same  
order may be passed in Case FIR no.243/2017 also.

Orders at 4.pm.



(Neelofer Abida Perveen)  
Special Judge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

AT 4pm.

**ORDER**

This is an application u/s 439 Cr.P.C. for grant of interim bail on behalf of accused-applicant Saheb Khan in case FIR No. 243/2017.

Ld. counsel for the accused-applicant has contended that interim bail is being sought on the ground of pregnancy of the wife of the accused-applicant. That the presence of the accused-applicant being husband is necessary as surgery would be required, the first child being cesarian born. That expected date of delivery given by doctor is 24.07.2021. That earlier also accused-applicant was granted interim bail and had surrendered in time and did not misuse the concession granted.

Ld. Addl. PP submits that the pregnancy of the wife of the accused-applicant is verified and that as per report of the IO, there are other members in the family of the accused-applicant who can take care of the wife of the accused-applicant.

Heard.

As per medical verification report, the wife of the accused-applicant with 8 months pregnancy received treatment from the AAMC, Village Jhangola, Alipur, Haryana, on 17.5.2021, and was prescribed medication and was referred to higher centre for delivery as there was previous history of c-section, with tentative date of delivery as 24.7.2021. As per the family status report the father, mother, one married brother, another unmarried brother and unmarried sister are residing with the wife of the accused-applicant and are capable of taking care of the wife of the accused-applicant. The presence of the accused-applicant being husband however is also necessary despite the presence of other family members at the time of delivery more so when

there is a strong likelihood of surgery in connection with delivery. The accused-applicant had earlier also been granted interim bail and had surrendered in terms thereof. Interim bail may be granted in compelling circumstances to meet such extraordinary exigencies where personal presence of the accused would be absolutely indispensable. In the case in hand, the personal presence of the accused-applicant is required in view of the exigency set up and accordingly the present application is allowed and interim bail of 15 days is granted to the accused-applicant for the purposes of delivery of his wife by a surgical procedure from 20.7.2021 onwards upon his furnishing personal bond with one surety in the sum of Rs. 50,000/- each and subject to the condition that he shall mention the mobile phone number to be used by him and shall ensure that the same is kept on switched on mode with location activated and shared with the IO at all times, Application is disposed of accordingly.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**M.A.No. 340/2019**  
**CBI v. H. S. Harnotia etc.**

17.07.2021

Present: Sh. Mona Jonwal, Ld. PP for CBI-applicant through video conferencing.

Sh. Harsh K. Sharma, Ld. Counsel for respondent through video conferencing.

Hearing is conducted through video conferencing.

This is an application for restoration of appeal on behalf of the applicant-CBI.

Arguments Heard.

Let copy of the notification relied upon by the applicant be placed on record.

For further consideration, put up on **07.08.2021**.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**B.A.No. 211/2021**  
**FIR No. 111/2016**  
**PS Kamla Market**  
**State v. Hari Om Jaat**  
**U/s 304/307/34 IPC and 27Arms Act**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.  
Sh. Kulwinder Singh, Ld. Counsel for accused-  
applicant through video conferencing.  
Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for extension of  
interim bail on behalf of accused-applicant Hari Om Jaat in case  
FIR No. 111/2016.

Ld. counsel for accused-applicant submits that on  
16.07.2021 in writ petition no. 4921/2021, Full Bench of Hon'ble  
High Court of Delhi has further extended the interim bail / bail to  
27.07.2021, though the order is not available and he shall forward  
the circular issued in terms thereof as well as newspaper report.

Let the circular/report be filed in the course of the day.  
For orders, put up at 4.00pm.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

At 4 pm

**ORDER**

This is an application u/s 439 Cr.P.C. for extension of interim bail on behalf of accused-applicant Hari Om Jaat in case FIR No. 111/2016.

Ld. counsel for the accused-applicant has contended that applicant/ accused is an old man of aged about 60 years and diagnosed as a patient of Paranoid Schizophrenia by IHBAS, Dilshad Garden, Delhi and suffering from multiple system ailments. That on dated 08.05.2019 Charge was framed in above said case by this Hon'ble Court and matter was fixed for P.E. and till date only two witnesses have been examined before this court. Total number of prosecution witnesses are 29 and prosecution will take long time to record its evidence before this court in the above said case. That on dated 02.05.20, Sh. Satish Kumar, Ld. A.S.J.-02 (Central), THC, Delhi had granted interim bail for 30 days to the present applicant/ accused on the basis of judgement passed by Hon'ble Supreme Court of India in Suo Moto Writ Petition No. 1/2020 and Delhi High Court in W.P. (C) No. 2945/2020, with the condition to furnish personal bond of Rs. 10,000/- to the satisfaction of concerned Jail Superintendent. That on 24.08.20 the present accused/ applicant was released from jail and after that Interim Bail of the accused/ applicant was extended on the basis of said Suo Moto Writ Petition No. 1/2020 and Delhi High Court in W.P. (C) No. 2945/2020. Same interim bail orders expired on 16.03.21. That

before 16.03.21, on dated 01.03.21 the present applicant/ accused had filed an application u/s 439 Cr.P.C. for the extension of interim bail orders dated 02.05.20 and meanwhile the said interim bail extension application, the Full Bench Hon'ble Delhi High Court in W.P. (C) No. 4921/2021 vide order dated has directed that in all matters pending before this court and courts subordinate to this court, wherein such interim orders issued were subsisting as on 19.04.2021 and expire or will expire thereafter, the same shall stand automatically extended till 16.07.2021 or until further orders and in view of said W.P.(C). 4921/2021 Hon'ble Delhi High Court vide order dated 20.04.21, and that now it has been extended till 27.7.2021 vide order passed on 16.7.2021.

Ld. Counsel has forwarded order dated 16.7.2021, passed by H'ble the Supreme Court of India in Suo Moto Writ Petition (C) No.01/2020, Re: Contagion of covid-19 In Prison, whereunder the following directions have come to be passed:-

*“Under the circumstances, we deem it fit to direct the Member Secretary of the National Legal Services Authority as well as the Member Secretaries of respective States Legal Services Authorities to collect information from the different States/Union Territories and submit a report to this Court on or before 22-7-2021, stating clearly the norms/criteria adopted by the different State Governments/Union Territories, i.e., whether in the norms adopted, they have taken into consideration the age of the convicts and/or co-morbidities suffered, if any, at the time of recommending the release of indicate the prisoners from jails. The Report should also whether the convicts whose appeals are pending consideration, have also been considered for release, pursuant to the directions passed by this Court from*

*time to time. The States/Union Territories concerned in these matters shall also clarify the above stated aspects in their respective affidavits.*

*The Member Secretary, National Legal Services Authority and States Legal Services Authorities are directed to furnish copies of the Report to the learned Amicus Curiae and the learned Solicitor General respectively.*

*So far as those prisoners who have already been released on bail from the prison by virtue of Orders passed by this Court from time to time and on the basis of recommendations of High Powered Committees constituted for the purpose are concerned, they shall not be asked to surrender to the prison, until further orders.*

The matter is listed next on 3.8.2021. The accused/applicant it emerges was granted interim bail at the first instance on 2.5.2020, as per the directions passed on 23.3.2020, by H'ble the Supreme Court of India in Suo Moto Writ Petition (C) which came to be extended from time to time as per the directions passed by H'ble the Supreme Court in the said writ petition and also the extension orders passed by H'ble the High Court of Delhi in W.P.(Crl.) 2945/2020, and thereafter in pursuance to the directions passed by H'ble the High Court of Delhi in W.P.(C) No.4921/2021 till toady ie 16.7.2021.

In the wake of the above quoted directions passed by Hon'ble Apex court in Suo Moto Writ Petition (C) No.01/2020, Re: Contagion of covid-19 In Prison, it is directed that the accused-applicant shall now surrender as per the orders/directions of H'ble the Supreme Court of India in Suo Moto Writ Petition (C)

No.01/2020 and/or the directions passed by H'ble the High Court of Delhi in W.P.(C) No.4921/2021 in this regard.

The application is disposed of accordingly.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)  
Special Judge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**B.A.No. 212/2021**  
**FIR No. 288/2019**  
**PS Sarai Rohilla**  
**State v. Rahul @ Hathodra**  
**U/s 397/397/411/34 IPC**

17.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through  
videoconferencing.

Sh. Lokesh Khanna, Ld. Counsel for accused-  
applicant through video conferencing.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of interim  
bail on behalf of accused-applicant Rahul Hathora in case FIR No.  
288/2019.

Ld. counsel for the accused-applicant has contended  
that accused was released by this Hon'ble court on Interim Bail  
from 21.6.2021 to 17.7.2021 vide order passed by this Hon'ble  
court (for interim bail) which is still on record. That since 19.9.2019  
till 21.6.2021 the present accused Rahul Hathora was in JC and  
on interim bail from 21.6.2021 to 17.7.2021. That there is every  
chances of acquittal as there are many material contradictions in  
the prosecution evidences as present accused was falsely  
implicated and the trial will take long time. That the present  
accused is only bread-earner in his family and now his family  
financial situation is very critical. That there is a zero possibility of

accused that he flees from process of law /jumps interim bail and he surrender himself timely before jail authorities as well as present before Hon'ble court. That the mother of the accused Rahul Hathora had earlier fractured her hand, but is also heart patient and suffering from RASOLI abdomen pain problem and doctors of DDU Hospital called her for further investigation for operation on 18.7.2021, and that the relevant medical records is filed.

Ld. APP submits that Reply is filed on merits and that the medical documents are being verified

Let the medical record be verified, Specific report be obtained if any surgery is planned for treatment of the mother of the accused-applicant, For Report and consideration, put up on 27.7.2021. Interim to continue till then.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC / Delhi  
17.07.2021

**B.A.No.144/2021**  
**FIR No. 308/2018**  
**PS Crime Branch**  
**State v.Sobhe Ram**  
**U/s 20/29 NDPS Act**

17.07.2021 at 4 pm

**ORDER**

This is an application u/s 439 Cr.P.C. for grant of regular bail on behalf of accused-applicant Sobhe Ram in case FIR No. 308/2018.

Ld. counsel for accused-applicant has contended that the applicant is innocent and has been falsely implicated in the present case. That the applicant has nothing to do with the alleged recovery. That the charges were framed against the applicant as well as co-accused Sanu Thakur on 01.07.2019 and both the accused persons were charged under section 20 (b) (ii) (C) and 29 of NDPS Act, which was a commercial quantity. That during the investigation of the present case, it was admitted by the co-accused Sanu Thakur that out of those two packets i.e., two packets of 550 grams each, one belongs to Sanu Thakur and another one belongs to the applicant. That the co-accused namely Sanu Thakur was granted regular bail by this Hon'ble Court vide order dated 14.08.2019. That while granting the regular bail it was observed by this Hon'ble Court that one packet of contraband is alleged to belong to Sanu Thakur i.e. charas weighing 500 grams, falling in the intermediate quantity. That the applicant is craving for

regular bail on parity basis, as of the co-accused Sanu Thakur. That the applicant is also not the owner of the said vehicle, as alleged by the prosecution. That while dismissing the regular bail application earlier this Hon'ble Court has held that the applicant is owner of the vehicle and the recovery of the contraband is a commercial quantity and hence there is no parity. In support of his contentions, Ld. counsel has relied upon decision in **Raj Karan Singh @ Rajan v. State of Punjab** CRM M No. 17321/2015 decided by Hon'ble Punjab and Haryana High Court on 29.06.2015; **Amar Singh Ramjibhai Barot v. State of Gujarat** Crl. Appeal No.1218/2005 decided by Hon'ble Apex Court on 19.09.2005 and **Lakhwinder Singh v State of Haryana** CRM No. M-11980/2016 decided by Hon'ble Punjab and Haryana High Court on 21.04.2016.

Ld. Addl.PP has submitted that accused-applicant is the owner of the vehicle from which contraband was recovered hidden behind the speedometer and was found driving the said vehicle. That case pertains to the recovery of commercial quantity of charas. That bar of Section 37 of NDPS Act attracts in the present case. That accused-applicant has no parity with the co-accused who has been granted bail, as the co-accused as such had no connection with the vehicle and was in the passenger seat thereof.

Heard.

Secret information was received to the effect that Shobhe Ram supplies charas in small quantity and in bulk in Delhi after procuring the same from Kasol, Himachal and today i.e. 09.12.2018, at about 3-3.30 pm, he alongwith his accomplice Sonu Thakur would be bringing charas in his i20 car DL 13C 4265 to Delhi in front of the Gurudwara Majnu Ka Tilla, to supply charas to an unknown person on the road going towards Chandgi Ram Akhara opposite Water Works Colony. Raiding party was constituted on the orders of ACP, STARS-II, Crime Branch headed by SI Ram Kishan, HC Lal Bahadur, Ct. Rakesh Rathi, Ct. Nitesh that apprehended the accused Shobhe Ram and Sonu Thakur at the spot. From the personal search of the accused, there is no recovery of any contraband alleged against the accused. The accused were found sitting in the car DL. 13C 4265 belonging to accused Shobhe Ram, accused Shobhe Ram being in the driver seat and the contraband is recovered from the said car concealed behind the speedometer adjacent to the steering wheel which had to be opened with the help of screw driver kept in the dashboard. There were two packets found weighing 550 grams each containing charas. The recovery effected in this case is therefore 1 kilogram and 100 grams of charas i.e. commercial quantity. The co-accused Sanu Thakur has since been granted regular bail and parity is being claimed by the accused-applicant, on the ground that there is nothing to connect the accused-applicant to the

vehicle in question and that if as per the case of the prosecution half of the contraband belonged to the co-accused, the accused-applicant can be held liable for possession of only the other half of the total recovery of 1100gms of Charas.

I have gone through the chargesheet. The accused-applicant is alleged to be the owner of the vehicle on the basis of the no objection certificate issued by Transport Department Delhi in favour of the accused-applicant as transferee dated 15.11.2018. Documents are part of the chargesheet to show that the vehicle was initially registered with RTO Delhi in the name of Vishal Gupta on 5.10.2021, who sold the same to Megha Arora on 15.12.2016 and No objection certificate was issued by the RTO Delhi in favour of accused-applicant in respect of RTO Kullu at the instance of Megha Arora on 15.11.2018, as transferee. As per the seizure memo, the vehicle was searched in the presence of ACP STARS-II Crime Branch. There was a screw driver lying on the dashboard which aroused the suspicion of the recovery officer, the dashboard was opened, and from behind the speedometer next to the steering wheel, two packets wrapped in brown color tape were recovered which were found containing black color odourous substance kept in a transparent polythene weighing 550 gms each.

The vehicle from which the contraband is recovered belongs to accused Sobhe Ram and was being driven by the accused Sobhe Ram, and the commercial quantity of contraband

was found concealed behind the speedometer of the car. There is no parity between the case of the accused-applicant and the co-accused Sanu Thakur who is granted bail on 14.08.2019 as co-accused Sanu Thakur is not the owner of the vehicle in which the contraband is found concealed. It would rest with the prosecution to demonstrate that co-accused Sonu Thakur was also in conscious possession of the entire contraband recovered or any part thereof by virtue of his presence in the vehicle in question, and it is only on the basis of a disclosure made in custody that it is alleged against him that 500gms of the charas belonged to him or was procured by him. The accused-applicant is alleged to have transported 1100gms of charas from Kullu in his car. He being the owner of the car and driving the same, the presumption fortified against him is that he was in conscious possession of the entire 1100gms of Charas recovered from the car kept concealed behind the speedometer. The judgements relied upon therefore would be distinguishable on the peculiar facts and circumstances attending the present recovery. The recovery effected of the contraband kept concealed in the car belonging to the accused-applicant and being driven by the accused-applicant falls in the commercial quantity prescribed for the contraband and there is no material for the court to derive the satisfaction that the accused-applicant has not committed the offence and is not likely to commit similar offence if enlarged on bail. Application is accordingly dismissed. Dasti.

The bail application is disposed of accordingly.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(NeeloferAbidaPerveen)  
SpecialJudge-02, NDPS/  
ASJ, (Central), THC/Delhi  
17.07.2021