

**B.A.No. 185/2021
FIR No. 122/2020
PS Crime Branch
State v. Rizwan @ Rijwan
U/s 21 NDPS Act**

24.07.2021

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

Sh. Imran Alam, Ld. Counsel for accused-applicant
through videoconferencing.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of
regular bailon behalf of accused-applicant Rizwan @ Rijwan in
case FIR No. 122/2020.

Arguments heard. For orders, put up at 4 pm.



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC/Delhi
24.07.2021

At 4 pm
ORDER

This is an application u/s 439 Cr.P.C. for grant of
regular bailon behalf of accused-applicant Rizwan @ Rijwan in
case FIR No. 122/2020.

Ld. counsel for accused-applicant contended that

accused-applicant has been falsely implicated in the present case. That accused-applicant is in JC since 25.08.2020. That nothing incriminating has been recovered from the possession of accused. That the case property has been planted upon the accused-applicant. That investigation is complete and chargesheet has been filed and accused-applicant is not required for any further investigation and that due to the prevailing situation arising from the outbreak of the pandemic, trial is likely to take some time and no purpose is to be served by keeping him in custody any further. That accused-applicant is the sole bread earner for his family.

Ld. Addl. PP has submitted the offence is of serious nature. That 500 grams of heroine was recovered from the possession of the accused-applicant, which is commercial in nature and bar Section 37 of the Act is attracted in the present case. That accused-applicant has no permanent address in Delhi.

Heard.

Case of the prosecution is that acting on a secret information received by ASI Abdul Hakim in Narcotics Cell, Kotwali Delhi on 21/08/2020 co-accused Rijwan resident of Bareilly UP was apprehended from Near Bus Stand Metcalf House, Ring Road leading towards Majnu ka Tilla, Delhi by a raiding party headed by ASI Abdul Hakim, and 500gram heroin was recovered from him, ie commercial quantity of contraband, there is no material for the Court to record a satisfaction that the accused-applicant has not

committed the offence and if released on bail is not likely to commit similar offences. During investigation accused Rijwan disclosed that he used to procure the illegal contraband from accused applicant Nizam also a resident of Bareilly, who then had surrendered himself in the office of Narcotics Cell and was arrested in this case, and as there was no other incriminating material except for the disclosure made by the accused-applicant against Nizamuddin Ansari he was released on bail, there is therefore no parity with the co-accused Nizamuddin Ansari and for such reasons therefore the present application is dismissed..

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
24.07.2021