

FIR No.368/20
PS Timarpur
State v.Sonu Chaturvedi
U/s 29 NDPS Act

28.07.2021 at 4 pm

ORDER

This is an application u/s 439 Cr.P.C. for grant of regular bail on behalf of accused-applicant Sonu Chaturvedi in case FIR No.368/20.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case. That accused-applicant has not committed any offence. That accused-applicant is not arrested from the spot and nothing incriminating was recovered from his possession or at his instance. That chargesheet is filed and matter is pending trial. That accused-applicant is the sole bread earner for his family. That co-accused has already been granted regular bail and case of the accused-applicant is on similar footing as that of co-accused who has been granted regular bail. Ld. counsel for accused-applicant has relied upon decision in **Mohd. Zuber v. State of NCT Delhi** 134 (2006) DLT 338, **Vijay Singh v. State of Punjab** CRM No. 16341/2020 decided by Hon'ble High Court of Punjab and Haryana vide order dated 22.07.2020 and **Akhilesh Bharti v. State** 266 (2020) DLT 689.

Ld. Addl. PP submitted that the accused-applicant has

played active role in commission of crime. That this is a case of recovery of 51.154 kgs of Ganja from the possession of accused persons, thereby attracting the rigors of section 37 of the Act. That the accused-applicant is the main source of the recovered contraband and is arrested when he had come to receive the remaining payment for the consignment. That accused-applicant and co-accused were in contact with each other as revealed from CDR details of their mobile phones.

Heard.

Case of the prosecution is that on 24.10.2020, a secret information was received in Special Staff, North District, Delhi that three Persons namely Harveer, Ravi Thakur and Sachin from UP are to supply huge quantity of Ganja procured from MalkanGiri, Odisha to different places in Delhi & UP, and that they will be coming to outer Ring Road towards Timarpur near Nirmal Hirday and Wazirabad flyover for supply of the same in white color Mahindra Xylo Car No UP 16-DT 1019 being driven by Harveer, in between 5 PM to 6 PM, in pursuance of which raiding party was constituted and trap was laid on outer Ring Road towards Timarpur near Nirmal Hirday and Wazirabad flyover, and on the signal of secret informer two persons namely HarveerGiri and Ravi Thakur with Car No UP16 DT 1019 were intercepted and search of accused persons as well as car bearing number UP 16 DT 1019 led to recovery of plastic bags containing 10 packets of Ganja kept

in 02 plastic bags recovered on the spot from the Car. On weighing, the total quantity of Ganja was found to be 51.154 Kgs.

During interrogation, it is the case of the prosecution, accused Ravi Thakur disclosed that he had procured the recovered Ganja from his known Satender Singh @ Sachin of village Ratanpuri, Distt., Muzaffarnagar, UP towards supply of the same to local drug peddlers of Majnu ka Tilla Delhi, upon which accused Satender Singh @ Sachin was apprehended from his house on 25.10.20 on the instance of co-accused Ravi Thakur. the course of interrogation accused Satender Singh Sachin disclosed that he had purchased 235 Kg. Ganja from one Sonu of Raipur, Chhattisgarh and the same was brought in a truck No UP 37 AT 2850 of his known Haider accused-applicant for which he had paid Rs. 2,20,000/- to Haider. PC Remand of co-accused Satender Singh @ Sachin was obtained and during PC Remand other accused persons namely Sonu Chaturvedi, accused-applicant, and Mohd. Haider, were arrested at the instance of co-accused Satender Singh @ Sachin while they had come to receive remaining payment of Ganja. Truck bearing no UP 37 AT 2850 used in transportation of Ganja from Raipur to Ratanpuri, UP was also recovered and seized in this case.

Though the case pertains to the recovery of commercial quantity of contraband however, no recovery is alleged to have been effected from the possession of accused-applicant. Accused

applicant is alleged to be the main source of the contraband recovered on the basis of disclosure recorded in custody and CDR analysis. It is also alleged that the accused-applicant came to be apprehended when he had come to receive the balance payment for the contraband, however the arrest memo places the place of arrest as office as Special Cell and it is not explained as to under what circumstances, if the accused had come to receive the payment, he is apprehended at the office of the Special Cell. It would lie with the prosecution to establish the involvement of the accused-applicant and to demonstrate in the course of trial that the accused-applicant is infact the main supplier of the recovered 235 kgs of Ganja. At this stage, however taking into consideration that there is no recovery alleged against the accused-applicant, as the accused-applicant has clean antecedents, as the material against the accused-applicant is disclosure recorded in custody of the co-accused besides CDR details, while recording the satisfaction in terms of section 37 of the NDPS Act, taking into consideration the nature of evidence against the accused applicant, and as investigation is now complete and chargesheet has been filed, in such totality of the facts and circumstances without in any manner commenting upon the merits of the case of the prosecution against the accused-applicant, and upon such considerations, the present application is allowed and regular bail in case FIR No.368/2020 is granted to accused Sonu Chaturvedi subject to his furnishing

personal bond with two sureties, one being local surety, in the sum of Rs. 50,000/- each to the satisfaction of the Court / Duty MM and upon the conditions that prior to his release, accused applicant shall deposit his passport if he holds one with the IO. That accused shall furnish the mobile phone number to be used by him which mobile phone number it shall be ensured by him is kept on mode through out with location activated and shared with the IO at all times. That accused-applicant shall confirm his location telephonically with the IO on every Saturday of the week. That the accused-applicant shall not leave the territorial limits of NCR Region without the prior permission of the IO. That he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such threats to the Court or to any police officer or tamper with the evidence. That accused and sureties shall not change their mobile phone numbers and verified addresses without prior intimation to the IO and that accused and sureties shall also intimate the IO in the event of change of address.

Application stands disposed of.

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



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC/Delhi
28.07.2021