

IN THE COURT OF ASJ/SPECIAL JUDGE/NDPS
PATIALA HOUSE COURTS, NEW DELHI

Presided by: Sudhir Kumar Sirohi, DHJS

SUDHIR KUMAR SIROHI
Special Judge NDPS Act
Room No. 35, P. Building
Patiala House Courts.
New Delhi

FIR No. 91/2021
PS R K Puram
State Vs. Abhimanyu Das

15.09.2023

Present: Sh. Shiv Kumar, Ld. Additional PP for the State.
Sh Aditya Agarwal, Ms Manvi Gupta and Sh Manas
Agarwal, Ld counsels for accused/applicant
Abhimanyu Das.

Arguments on the bail application of accused heard.

Ld counsel for accused argued that accused has been falsely implicated in this case. It is further argued by Ld counsel for accused that brief facts of prosecution case are that on 31.03.2021 the present applicant/accused with co-accused Ram Chander Pelai, Sudhankar Nayak, Sharad Das, Suraj Sahai and Sani were travelling in vehicle bearing no. OR 02AC 5326 belonging to accused Sharad Das and from the said vehicle, there is recovery of 40kg of Cannabis. It is further argued by Ld counsel for accused that co-accused who was driver of the vehicle namely Ram Chander Pelai has already been granted bail by Hon'ble High Court of Delhi in BA No. 1584/2023 vide order dated 11.07.2023, co accused Sani and Suraj Sahai who were also passengers have already been granted bail on 25.07.2023 & 14.09.2023, nothing was recovered from the possession of present applicant/accused and accused is not involved in any of the matter. It is further argued by Ld counsel for accused that the present applicant/accused was the passenger in a vehicle, on the



basis of parity, the present applicant/accused may be admitted to bail.

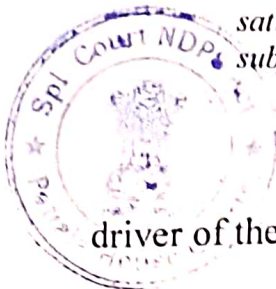
Ld Addl. PP and IO on the other hand opposed the present application and submitted that the present applicant/accused was present in the vehicle. Ld Addl. PP further submitted that though co-accused has already been granted bail but if bail is granted to present applicant/accused, he may abscond from trial, therefore, bail may not be granted to present accused/applicant.

Submissions of all parties heard.

In the bail application No. 1584/2023 dated 11.07.2023 titled as Ram Chander Pelai Vs State, it was held by Hon'ble High Court of Delhi

8. Admittedly, no recovery has been effected from the applicant. The recovery has been effected from the vehicle which is owned by co-accused Sharat Das. The only other circumstance against the applicant, as has been admitted, is that he tried to turn the car around after spotting the police. The owner of the vehicle, i.e., co-accused Sharat Das has been arrested. The chargesheet, as well as the supplementary chargesheet in the present case stands filed and the trial is underway. No apprehension has been expressed that the applicant is likely to evade trial, tamper with evidence or influence the witnesses in any manner. The applicant is not involved in any other case either. In the present case, he has been in custody since 31.03.2021. In view of the facts and circumstances of the case, the twin conditions contained in Section 37 of the NDPS Act also stand satisfied.

9. In view of the aforesaid facts and circumstances, the present application is allowed. The applicant is admitted to bail upon his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:



The present applicant/accused was not even the driver of the vehicle rather was only present in the vehicle, the

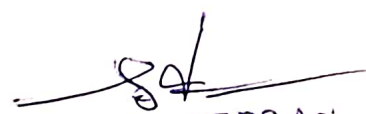
vehicle belongs to accused Sharad Das, the role of present applicant is same as of accused Sani and Suraj Sahai, therefore, the present applicant/accused is at parity with accused Ram Chander Pelai, Suraj Sahai and Sani, there is no recovery from the present applicant/accused and present applicant/accused is not involved in any of the matter, therefore, in abovesaid facts and circumstances, the present applicant/accused Abhimanyu Das is admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety in like amount to the satisfaction of this court with following conditions:-

- i. The applicant shall not leave the country without prior permission of this court.
- ii. The applicant shall intimate this court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before this Court as and when the matter is taken up for hearing.
- iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.
- v. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

Application disposed of accordingly.

Copy of the order be given dasti as well as sent to accused Abhimanyu Das in jail.




(Sudhir Kumar Sirohi)
Special Judge NDPS Act,
Room No. 35, P. Building
ASJ/Spl. Judge, NDPS (N. Delhi)
Patna House Courts,
New Delhi
15.09.2028