

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

**Presided by: Sudhir Kumar Sirohi, DHJS**

**FIR No. 285/2021  
PS Sagarpur  
State Vs. Ajay Lamba**

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

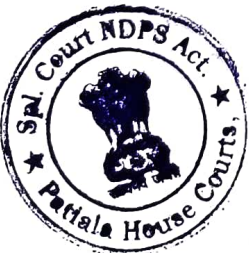
**26.02.2024**

**Present:** Sh. Ravindra Kumar, Ld. Additional PP for the State.  
Mr. Aditya Agarwal, Ld. Counsel for  
applicant/accused Ajay Lamba.

Written submissions on behalf of State filed.

Arguments of bail application of accused heard.

Ld. Counsel for accused submitted that accused has been falsely implicated in this matter. It is further submitted by Ld counsel for accused that co-accused Gurpreet Singh who was found with alleged contraband i.e. 26.790kg of ganja has already been granted bail by Hon'ble High Court of Delhi in Bail Application No. 857/2023. It is further argued by Ld counsel for accused that allegations against present applicant/accused are that vehicle used in this matter for supplying contraband belongs to son of applicant and the transportation of contraband was done on the directions of present applicant/accused, there is CDR connectivity of present applicant/accused with co-accused Gurpreet along with financial transactions. It is further argued by Ld counsel for accused that co-accused Gurpreet has been granted bail by Hon'ble High Court of Delhi on the grounds of (i) error in procedure of sampling, (ii) delay in trial and (iii) delay in sampling and compliance of section 52A NDPS Act, therefore, the present applicant/accused is entitled to parity with co-accused Gurpreet and there is no recovery from present applicant/accused. Accordingly, the applicant/accused has crossed the

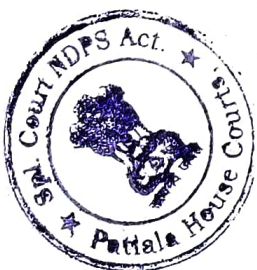


bar of section 37 NDPS Act and bail may be granted to accused/applicant.

Ld. Addl. PP on another hand strongly opposed the bail application and submitted that contraband in the present matter was transported by co-accused Gurpreet at the instance of present applicant/accused and the vehicle in which contraband was transferred was in the name of son of applicant namely Mr Kishan Lamba, there are various financial transaction and CDR connectivity of present applicant/accused with co-accused Gurpreet Singh. It is further submitted by Ld Addl. PP for the State that in the present matter, there is recovery of commercial quantity of contraband, therefore, there is bar u/s 37 NDPS Act and bail may not be granted to accused.

Submissions of all the parties heard.

In the present matter, 13 packets of ganja were recovered from the vehicle driven by accused Gurpreet and the samples were drawn after mixing the contents of 13 dark brown packets and Hon'ble High Court of Delhi in the bail order of accused Gurpreet has mentioned that there is non compliance with procedure prescribed for sampling, Hon'ble High Court of Delhi has also considered the aspect of delay in trial and delay in sampling and compliance of section 52A NDPS Act in Bail Application No. 857/2023 of co-accused Gurpreet in order dated 05.02.2024. The present applicant/accused is at parity with co-accused Gurpreet as there is no recovery from present applicant/accused rather there is CDR connectivity of present applicant/accused with co-accused Gurpreet who was found in possession of 26.790kg of ganja. Accordingly, on the basis of parity, the present applicant/accused has crossed the bar of section 37 NDPS Act and accused/applicant Ajay Lamba is admitted to bail on furnishing personal bond and surety bond in the sum of Rs. 50,000/- with one surety in the like amount subject to the following conditions:-



- (a) The applicant shall provide his permanent address to the court. The applicant shall also intimate the court by way of an affidavit and to the IO regarding any change in his residential address;
- (b) The applicant shall appear before this Court as and when the matter is taken up for hearing;
- (c) The applicant shall provide all/latest/fresh mobile numbers to the Investigating Officer (IO) concerned, which shall be kept in working condition at all times. The applicant shall not switch off, or change the same without prior intimation to this court and the IO concerned;
- (d) The applicant shall not leave the country without prior permission of the court;
- (e) The applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses. In case, the applicant is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his bail in the present case as well.

Accordingly, bail application of accused Ajay Lamba stands disposed off. Copy of this order be given dasti and be also sent to accused in jail for communication to the accused.



*S-d-*  
(Sudhir Kumar Sirohi)  
ASJ/Spl. Judge, NDPS/ND  
26.02.2024  
Special Judge NDPS Act  
Room No. 25, P. Building  
Patiala House Courts,  
New Delhi