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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 425/2017**

MOHD DHOBAR Petitioner
Through Mr.Manu Sharma, Adv. with
Mr.Abhir Datt, Adv.

versus

STATE (NCT OF DELHI) Respondent
Through Mr.Tarang Srivastava, APP for State
with ASI Ramdev.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **22.08.2017**

1. The petitioner seeks regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973 in a case registered on 27th October, 2016 against him vide FIR No.182/2016 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “NDPS Act”), Police Station Crime Branch, New Delhi.
2. Status report has been filed.
3. Learned counsel for the petitioner submits that the petitioner has been in custody since 27th October, 2016 and now the matter is listed for prosecution evidence. He submits that the petitioner has been falsely implicated. He submits that the record has been forged and fabricated by the investigation officer. He submits that the time of incident recorded in DD Nos.2, 3 & 4 is in variance with the time recorded in the FIR. He submits that as per the charge sheet the contraband goods i.e. heroine weighing 170

gram was allegedly recovered from the petitioner and out of which two transparent packets containing 5 gram each of the heroine were taken as sample for obtaining expert opinion from the FSL. He further points out that as per the report of FSL dated 16th November, 2016, the material which was handed over to them in a polythene pouch was weighing 6.23 grams (approx.) only.

4. Per contra, the prayer is vehemently opposed by the learned APP for the State. He submits that the charge has already been framed against the petitioner and evidence is being recorded. He submits that with the passage of time, the articles lose weight in the natural process. He points out that the petitioner is also involved in many criminal cases vide (i) FIR No.279/2015 under Section 20 of NDPS Act, Police Station Hazrat Nizamuddin, (ii) FIR No.153/3013 under Section 308 IPC, Police Station Hazrat Nizamuddin and FIR No.381/2015 under Sections 325/341/34 IPC Police Station Hazrat Nizamuddin.

5. Keeping in view the serious nature and gravity of the allegations and the fact that the material witnesses are yet to be examined and considering his involvement in many other cases and in case the petitioner is released on bail, there is possibility of the petitioner fleeing from justice or tampering with the evidence. Hence, in the facts and circumstances of the case, no case for granting of bail is made out.

6. The application is dismissed.

VINOD GOEL, J.

AUGUST 22, 2017/jitender