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

+ **BAIL APPLN. 1932/2016**

RAM KUMAR DUBEY

..... Petitioner

Through: Mr. S.S. Das, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Rajat Katyal, APP with ASI
Yudhbir Singh, PS Crime

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
10.01.2017

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The petitioner seeks regular bail under Section 439 Cr PC in case FIR 44/2016 registered at PS Crime Branch under Section 9A and 25A of the NDPS Act. The petitioner is in judicial custody since 04.04.2016. The charge sheet already stands filed and the matter is now listed before the Trial Court for framing of charges.

Learned counsel for the petitioner submits that according to the charge sheet, it was the co-accused Brijesh Pandey – regarding whom the information was received that he would be carrying the illegal substance in his Mahindra Scorpio vehicle for delivery to a customer. The information was not in relation to the petitioner. He further submits that Brijesh Pandey

has already been granted bail vide order dated 20.07.2016 by the Trial Court.

Learned counsel further submits that the substance in question is ephedrine, which is a controlled substance and, therefore, the bar under Section 37 of the NDPS Act does not apply in the present case.

Considering the aforesaid circumstances, since the charge sheet already stands filed and the petitioner has been in judicial custody since 04.04.2016, I am inclined to allow the present application. Accordingly, the petitioner is directed to be released on bail upon his furnishing a personal bond with one surety in the sum of Rs.1 lakh to the satisfaction of the Trial Court. This is further subject to the condition that at the time of his release, he shall provide his mobile phone number to the Jail Superintendant and the same shall be kept on working condition at all times and shall not be changed without prior intimation to the court. He shall not indulge in any similar or any other illegal activity while on bail. He shall not tamper with the evidence or seek to influence any of the prosecution witnesses.

The application stands disposed of. Dasti.

VIPIN SANGHI, J

JANUARY 10, 2017

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