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

+ **BAIL APPLN. 636/2018 and CrI.M.A.5346/2018**

GHANSHYAM PANDEY

..... Petitioner

Through: Mr. Rahul Sharma, Advocate with
Mr. Sanjay Jain, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.07.2018

The petitioner and one another (Umesh Chand @ Rajesh Kumar) were statedly intercepted at public place, on the basis of secret information, on 11.10.2017 and upon search were found to be carrying and having in their respective possession poppy straw to the extent of 30 kg. each, such possession of contraband constituting an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner having been arrested on 11.10.2017 at the time of such recovery, it having resulted in registration of FIR No.178/2017 of Police Station Crime Branch has continued to be in judicial custody ever since. Investigating police concluded investigation and submitted a charge-sheet seeking trial of the petitioner and his co-accused within the statutory period and the Special Judge took cognizance thereupon. It is admitted that the trial Judge considered the question of charge and found the same made

out by order dated 06.02.2018 putting the petitioner on trial for the offence under Sections 15(b) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The case is presently at the stage of prosecution evidence.

The petitioner contends that the case against him is based on false accusations, the evidence having been fabricated and not credible. It may be observed here that the petitioner has not challenged the order dated 06.02.2018 whereby the charge was found to be made out putting him to trial.

Having heard the learned counsel for the petitioner and having gone through the record, this court finds substantive evidence available on record to support *prima facie* the case for the prosecution about possession of above mentioned substance. It would not be proper for this court at this stage of the process to engage in any detailed scrutiny of the evidence, inasmuch as such exercise may prejudice either side.

Having regard to the gravity of the offences involved, no case for release on bail at this stage is made out.

The bail petition is dismissed.

This disposes of pending application as well.

R.K.GAUBA, J.

JULY 06, 2018

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