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

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Judgment delivered on:23.10.2018

+ BAIL APPLN. 1938/2018

NIKESH KUMAR @ SUNNY

..... Petitioner

versus

STATE (GNCTD)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sushil Kumar Singh, Advocate.

For the Respondent : Ms. Kusum Dhalla, APP for the State.
SI Rahul Kumar, PS Special Cell

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

23.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.11/2018 under Section 20/29 Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Allegations in the FIR are that on 01.02.2018 secret information was received that an inter-State drug cartel was involved in smuggling and distribution of narcotic substance *Ganja* in Delhi and NCR.
3. Acting on the secret information two persons were intercepted and apprehended opposite CNG Pump, Mohan Cooperative Estate, Industrial Area, Mathura Road, New Delhi along with one truck. The truck was

searched and a special cavity was found in the body of the truck wherefrom 540.750 grams narcotics substance *Ganja* was recovered.

4. During interrogation the two persons, who were intercepted, disclosed names of other persons who were involved in the smuggling of *Ganja*. Further disclosure was made and at their instance another truck was intercepted. During search it was also found to have also a special cavity. From the second truck 61.200 kgs of *Ganja* was recovered.

5. Further arrests were made and during investigation and interrogation of the persons arrested, name of the petitioner surfaced. As per the disclosure and confessional statement, petitioner was named to be the key person and also the main contact between the persons who were arrested and the supplier of *Ganja*.

6. Investigation is alleged to have revealed that petitioner's location, on the relevant date and time, was also found on the spot where *Ganja* was loaded on the trucks which were intercepted. Investigation is alleged to have revealed that petitioner had used the sim card and debit card of his friend and handed over the same to the driver of the truck for purchase of fuel enroute from Orissa to Delhi and for being in touch with others. The friend of the petitioner *Jay Vardhan Kumar* in his statement has disclosed that he had given his debit card and sim card to the petitioner. Petitioner is alleged to have made a deal for purchase of the truck, from which 61.2000 kgs was recovered, through a car dealer. The car dealer is also alleged to have named the petitioner.

7. Leaned APP submits that further investigation into the role of the

petitioner is required to be carried out and investigation into the cartel is to be made, the modus operandi, the suppliers and purchasers of contraband is to be unearthed for which custodial interrogation of the petitioner is required.

8. Learned APP further informs that petitioner has already been declared a proclaimed offender by order dated 27.07.2018 by the Trial Court as he had failed to appear consequent to a publication under Section 82 of the Criminal Procedure Code.

9. Learned counsel for the petitioner submits that nothing is recovered from the petitioner and petitioner is sought to be implicated solely on the basis of alleged disclosure/confessional statement of co-accused.

10. Keeping in view the facts that are alleged to have surfaced during investigation, as noticed above, I am of the view that the request made by learned APP for custodial interrogation of the petitioner, in the facts and circumstances of the present case, does not seem to be unjustified.

11. In view of the above, I am not inclined to grant anticipatory bail to the petitioner. The petition is accordingly dismissed.

12. Order Dasti under signatures of the Court Master.

OCTOBER 23, 2018
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SANJEEV SACHDEVA, J