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

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Judgment delivered on: 14.03.2018

+ BAIL APPLN. 2009/2017

VIJAY PAL

..... Petitioner

versus

NARCOTICS CONTROL BUREAU

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr Yogesh Saxena, Ms Priya Saxena
and Mr Sikandar Azsarn Khan,
Advocates.

For the Respondents : Mr B.S.Arora, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

14.03.2018

SANJEEV SACHDEVA, J. (ORAL)

BAIL APPLN. 2009/2017

1. The petitioner seeks regular bail in complaint case being SC No.254/2017 under Section 20(C) & 29 of the Narcotics Drugs & Psychotropic Substances Act, 1985. The petitioner was arrested on 26.04.2017 and is in custody since then.

2. The allegations against the petitioner are that the petitioner used

his identity papers for the purposes of booking a parcel and the parcel is alleged to have contained 360 gms. of methaqualone.

3. Learned counsel for the petitioner contends that there is nothing to show that petitioner was consciously aware that the parcel contained any prohibited substance. It is contended that the petitioner is a courier agent and had received the parcel from one Roshan Singh Arora, who had received it from one Varun. Varun had received the parcel from one Manjur Ansari, who had received it from Mahesh. Mahesh received the parcel from the original consignor – one Nigerian Frank.

4. Learned counsel for the petitioner submits that there is no *mens rea* and the petitioner was not aware that there was any prohibited substance in the parcel, however, as a courier agent he merely used his ID for the purpose of convenience for booking the parcel. Learned counsel submits that none of the courier agents Roshan Singh, Varun or Manjur Ansari have been arrested. However, Mahesh and Frank are in custody. Learned counsel for the respondent submits that, during investigation, statement of Roshan Singh was recorded, who in his statement, submitted that he had taken the courier for booking from Varun and along with the said courier, Varun had given said invoices and two IDs and he had got the parcel booked with the petitioner and also sent copy of the invoices and IDs. It is conceded that Neither Roshan Singh nor Varun have been arrested.

5. Without commenting upon the merits of the case, perusal of the record shows that it is a fit case for grant of bail to the petitioner. Accordingly, the petitioner is admitted to bail on furnishing a bail bond in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of the Trial Court. The petitioner shall not do anything, which shall either prejudice the trial or the prosecution witnesses. The petitioner shall not leave the country without permission of the Trial Court and shall also surrender his passport, if any, with the Trial Court.

6. Petition is disposed of accordingly.

7. Order Dasti under signatures of the Court Master.

March 14, 2018

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SANJEEV SACHDEVA, J