

\$~11

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

+ **BAIL APPLN. 2872/2019**

FAYAZ @ S.SYED GANI

..... Petitioner

Through: Mr. Vikas Gautam, Advocate

Versus

NARCOTICS CONTROL BUREAU

..... Respondent

Through: Mr. B.S. Arora, Special Public
Prosecutor.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 14.01.2020

1. The present bail application has been filed seeking bail in S.C. No. 332/2019 under Section 9A/25A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pending before the Special Judge (NDPS Act).
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no recovery has been effected from the present petitioner. He submits that pseudoephedrine being a controlled substance, section 37 is not attracted and further no minimum sentence is prescribed and Section 37 of the NDPS Act lays restrictions only in respect of the offence punishable under Sections 19/24 and 27A.
3. It is further submitted that the petitioner was arrested in the present case on 09.08.2019 and on the same day the statement under Section 67 of NDPS Act was retracted.

4. Learned counsel for the petitioner has drawn attention of this Court to the order dated 27.08.2019 passed in CRL.M.P. No. 1232/2019 in RR No. 05/2019 and submits that the petitioner in the said case was admitted to the bail and also relied upon the order dated 08.11.2019 passed by this Court with respect to co-accused Hakkim.

5. Learned SPP for the respondent has opposed the bail application. He submits that in terms of Section 67 of NDPS Act, the petitioner is the kingpin in the illegal business of trafficking alongwith co-accused. He, on instructions, further submits that the bail granted to the co-accused has not been challenged. He confirms that the statement under Section 67 was retracted on the same day and that nothing has been recovered at the instance of the petitioner.

6. In view of the facts and circumstances, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the Trial Court and subject to the following conditions :-

(i) The petitioner will not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.

(ii) The petitioner shall provide the I.O./NCB, with his mobile phone number and in the event of change of his residential address, shall inform the same to the concerned I.O./Court.

(iii) The petitioner will remain regularly present before the Trial Court.

7. With the above directions, the bail application is disposed of.

DASTI.

MANOJ KUMAR OHRI, J

JANUARY 14, 2020/p'ma