

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 03.03.2020

+ **BAIL APPLN. 305/2020**

NASIR

..... Petitioner

Through: Mr. Ankur Manav & Mr.
Rajvardhan Singh, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. Raghuwender Varma,
APP for State with ASI Balbir
Singh, PS Bhalswa Dairy.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(Oral)

1. Vide this order I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Nasir** in FIR No. 305/2020 u/s. 21/61/85 NDPS Act, P.S. Bhalswa Dairy, Delhi.

2. It is submitted that the petitioner has been falsely implicated by the police officials in the present FIR which has been registered on the basis of false, frivolous and concocted facts. The petitioner was arrested by the police on 20.09.2019 and since then he is in judicial custody.

3. It is submitted that the charge-sheet was filed by the Investigating Agency on 19.11.2019 and presently the case is pending before the Ld. Court of Sh. Jitender Kumar Mishra, Ld.ASJ, North West, District, Rohini Courts, Delhi.

4. It is submitted that after framing of the charge, the petitioner moved an application before the Ld. Trial Court for seeking bail but the same was dismissed vide order dated 18.01.2020.

5. It is submitted that all the witnesses are the police officials and hence there is no question of tampering with the evidence. Nothing was recovered at the instance of the petitioner and the alleged recovery is planted upon the petitioner. No notice U/s 50 of NDPS Act was even given to the petitioner.

6. It is submitted that leading the evidence and conclusion of the case will take considerable time and therefore, no useful purpose would be served by keeping the accused in jail till the final disposal of the case. It is, therefore, prayed that petitioner be released on bail in the interest of justice.

7. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. He has, therefore prayed for dismissal of the bail application.

8. I have considered the rival submissions. The petitioner is in judicial custody since 20.09.2019 and he is no more required for the purpose of investigation. The alleged recovery of smack already stand affected. The quantity of the smack recovered from petitioner is alleged to be 6 gm only. Keeping in view the facts and circumstances of the case particularly the fact that petitioner is no more required for the purpose of investigation, he is admitted to bail on furnishing personal bond in the sum of Rs. 15,000/- with one surety in the like amount subject to the satisfaction of Ld. Trial Court.

MARCH, 03, 2020

Amit

BRIJESH SETHI, J