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

+ **BAIL APPLN. 1926/2020**

ASHWANI @ KALI

..... Petitioner

Through: Mr. Vishal Raj Sehijpal, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Manjeet Arya, APP for State.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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28.07.2020

(Video Conference Hearing)

CRL. M.A. 10036/2020 (Exemption)

It is an application seeking exemption from filing attested affidavit. Taking note of the prevailing conditions on account of Covid-19 pandemic, the application is granted with the stipulation that the attested affidavit shall be filed within 07 days of the resumption of regular functioning of the Court. Application stands disposed of accordingly.

CRL. M.A. 10035/2020 (Exemption)

It is an application seeking exemption from filing certified copy of

annexures. Allowed, subject to just exceptions. Application stands disposed of accordingly.

BAIL APPLN. 1926/2020

By the instant application, the applicant seeks bail in case FIR No. 321/2019, P.S. Mahindra Park, under Section 21 N.D.P.S. Act. As per the allegations in the subject FIR, the applicant was apprehended on the secret information and 5.170 grams of smack allegedly recovered from him at the spot.

Ms. Arya, Id. APP for the State submits that as per the FSL report, the substance so recovered contained 'Diacetylmorphine (17.1%), 'Acetylcodeine', 6-Monoacetylmorphine & Trimethoprim, Diacetylmorphine (18.3%), 'Acetylcodeine', 6-Monoacetylmorphine & Trimethoprim. The applicant is in JC from the date of his apprehension and the registration of FIR i.e. since 31.07.2019. Though he is stated to be involved in three other cases i.e. FIR No. 224/2011, P.S. Adarsh Nagar, under Sections 379/356/34 IPC; FIR No. 378/2016, P.S. Jahangir Puri, under Sections 393/34 IPC and FIR No. 264/2018, P.S. Jahangir Puri under Sections 323/341/34 IPC., his JC of one year for the contraband stated to be actually recovered, cannot be ignored.

Taking into account the totality of facts and circumstances of the case as also the prevailing conditions on account of Covid-19 pandemic, the applicant is admitted to bail on his executing a personal bond in the sum of Rs.5,000/- to the satisfaction of the concerned Jail Superintendent and a surety bond to be executed for the equal amount to the satisfaction of the

concerned Magistrate within four weeks of the resumption of regular functioning of the Court after his release by Jail Superintendent.

The application stands disposed of accordingly.

A. K. CHAWLA, J

JULY 28, 2020

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