

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 15.01.2020

+ **BAIL APPLN. 2181/2019**

SURENDER SINGH Petitioner

Through: Mr. Dinesh Prasad Pandey
Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. G. M. Farooqui,
APP for State with SI Surender
Singh, PS Special Cell/NR.

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 **Surender Singh** in FIR No. 46/2016 u/s. 21/29 NDPS, P.S. Special Cell, Delhi.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. He is in judicial custody since 31.07.2016. It is alleged against the petitioner that on receipt of secret information, raiding party was constituted and the petitioner and co-accused Balwinder Singh were apprehended on 30.07.2016 and he was served with notice u/s. 50 of NDPS Act. It is

alleged that from the possession of the petitioner 01 kg heroine was recovered. The prosecution has already filed charge-sheet in the Court and charge u/s. 21/29 NDPS Act has also been framed against the petitioner. The bail application moved by the petitioner before the Ld. Trial Court Sh. Anil Antil, ASJ-04, Patiala House Courts, New Delhi was dismissed vide order dated 20.08.2019. It is submitted that co-accuseds Balwinder Singh and Michael Chinedu have already been granted regular bail by the Ld. Trial Court vide order dated 20.12.2018 and 10.12.2018 respectively. It is, therefore, prayed that petitioner be released on bail in the interest of justice.

5. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. Petitioner was granted interim bail vide order dated 14.12.2017 but he has not surrendered and therefore NBWs were issued against him. He has, therefore prayed for dismissal of the bail application.

6. I have considered the rival submissions. As per prosecution case petitioner is a member of an international narcotic syndicate who are suspectedly indulging in drug supplying in Delhi, Punjab. Co-accused Balwinder Singh along with petitioner used to receive supply of

heroin from African nationals residing in Pochanpur, Dwarka in Delhi and used to further supply the same in Punjab and Delhi. On 30.7.2016, petitioner along with co-accused Balwinder came to Delhi in their white swift car No. DL 3CH 8560 for supplying the heroin to one of their contacts near Petrol Pump opposite Rohini Jail. Petitioner and co-accused Balwinder Singh were apprehended and 03 kgs heroin i.e. 02 kgs from co-accused Balwinder and 01 kg from Suredner was recovered at the spot. Upon interrogation they disclosed that they were part of a big international narcotic syndicate and they used to supply heroin to various persons in Punjab and Delhi. As per prosecution, many mobile numbers suspectedly used by members of syndicate including arrested persons and their other associates were on interception. Monitoring of interception revealed that both the accused persons were communicating with each other and their associates about transaction, quality rate, weight etc. of heroin. These incriminating voice calls among the members of this narcotic syndicate are stored in computer system installed in the office of Spl. Cell/NR. Earlier the petitioner was granted interim bail by Ld. Trial court on 14.11.2017 but he jumped the bail and absconded. He was

later on arrested in a case of NDPS Act bearing FIR No. 46/17, PS Firozpur City, Punjab on 15.02.2018.

7. The allegations, thus, prima facie, reveal active involvement of petitioner in international narcotic syndicate. Petitioner was granted interim bail by Ld. ASJ, Delhi vide order dated 14.11.2017 for 45 days on medical ground. However, petitioner had not surrendered and therefore NBWs were issued against him. In the meantime, he was involved in another case under Section 21 NDPS Act, FIR no. 46/2018 in Ferozpur, Punjab. In view the facts and circumstances of the case and also keeping in view the seriousness of the offence, no grounds for grant of bail to the petitioner are made out at this stage. The bail application is, therefore, dismissed.

JANUARY, 15, 2020

Amit

BRIJESH SETHI, J