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

(6)+ BAIL APPLN. 410/2024

(7) BAIL APPLN. 421/2024

MOHAMMAD SAJID

..... Applicant

Through: Mr.Aditya Aggarwal,
Mr.Manas Aggarwal, Advs.

versus

NARCOTICS CONTROL BUREAU

..... Respondent

Through: Mr.Utsav Singh Bains, SPP

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

29.02.2024

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1. These applications have been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for grant of *Interim* Bail for a period of 30 days in Criminal Case No. VIII/06/DZU/2023 under Sections 8, 21(c), 23 and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short, 'NDPS Act') and Criminal Case No.VIII/06/DZU/2018 under Sections 21(c), 28 & 29 of the NDPS Act, both registered at Police Station: Narcotics Control Bureau, Delhi respectively.

2. It is stated that the wife of the Applicant is suffering from severe pain in her abdomen and had visited for consultation to Roorkee X-ray, Ultrasound & C.T. Scan Centre on 07.01.2024. She was diagnosed with '*Large complex cystic lesion of about 107.3 mm x 74.5 mm.*'. It has further been alleged that the surgery was scheduled for 26.02.2024. It is alleged that there are no other family members to



take care of the wife of the Applicant. It is alleged that the wife of the Applicant has only the mother of the applicant aged about 74 years who is also ill and is suffering from various ailments, and three minor children staying with her.

3. The applications are strongly opposed by the learned SPP for the respondent, submitting that the Applicant had been absconding for a period of almost three years and had been declared as a Proclaimed Offender. He was arrested only on 25.09.2023. He submits that there is a likelihood that he may again abscond if he is released on *Interim* Bail. He submits that the Applicant is involved in two cases under the NDPS Act. He further submits that, therefore, there is every likelihood that if he is released on Bail, he shall again commit a similar crime.

4. It is also stated that apart from the mother and the children, the Applicant also has other family members who are residing in the vicinity of the residence of the wife of the Applicant, and they can also look after the wife of the Applicant in case of any emergency.

5. In rejoinder, the learned counsel for the Applicant submits that the Applicant is willing to suffer any stringent condition that this Court may impose for securing his presence. He further submits that the other family members mentioned by the learned SPP for the respondent are not on talking terms with the Applicant and, therefore, no reliance can be placed on them for looking after the wife of the Applicant.

6. I have heard the submissions made by the learned counsels for the parties.

7. In the present case, apart from the fact that the case against the



Applicant is under Sections 8, 21(c), 23, 28 and 29 of the NDPS Act, wherein commercial quantity of the contraband is involved, and, therefore, would require the compliance with stringent provisions as are stipulated by Section 37 of the NDPS Act for releasing the Applicant on bail, to be met, even otherwise, the Applicant had been declared as a Proclaimed Offender and was not traceable for almost three years, till his arrest on 25.09.2023. Coupled with this is the fact that the Applicant is involved in the more than one case under the NDPS Act.

8. Therefore, in my view, there is genuine apprehension in the mind of the respondent that if released on bail, the Applicant may again abscond and may indulge in similar criminal acts. Such apprehension cannot be said to be without any basis or foundation.

9. Though the Applicant states that he does not have any other family members to look after the welfare of his wife, it is not denied that the mother of the Applicant stays with the wife of the Applicant and there are other family members also, even though they are stated to be not on talking terms with the Applicant.

10. Keeping in view the above circumstances, I find no merit in the present applications. The same are, accordingly, dismissed.

NAVIN CHAWLA, J

FEBRUARY 29, 2024/Arya/AS

Click here to check corrigendum, if any