



and NCR; and that the said person would come to New Delhi Railway Station with *ganja* by Kerala Express. On inquiry, the raiding team came to know that the train Kerala Express would reach at platform No. 7 of New Delhi Railway Station at about 02:45 pm. The raiding team took position. At about 02:45 pm, when passengers from Kerala Express started de-boarding, a boy wearing blue T-shirt and carrying a bag was seen going towards the parcel area. The secret informer identified that person as Parvez (*the accused/applicant*) and left. The accused/applicant started watching the luggage being unloaded from the parcel van. After about 20 minutes, the accused/applicant removed the computerized parcel booking slip from one of those parcels and kept talking to someone who was releasing the parcels at that place. It is at that stage the accused/applicant was apprehended. Those parcels were found to contain the contraband *ganja*.

3. It is contended on behalf of accused/applicant that he is innocent and has been falsely booked in the present case. It is further contended by learned counsel for the accused/applicant that there is practically no evidence against the accused/applicant.

4. As reflected from previous record, in the course of arguments on earlier dates, contention of the prosecution was that the accused/applicant had booked the contraband parcels from Vijayawada and was in the process of getting the same released from Railways. Besides that, the contention of the prosecution was that the accused/applicant was in constant touch with the co-accused Usman and Subhash Bhati through telephone connectivity and money transfer. But despite repeated adjournments, no documentary

BAIL APPLN.3921/2024

Page 2 of 4 pages

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accused/applicant personally got the parcels released from New Delhi Railway Station. Even as regards Syed Sajid, there is no material collected by the IO to show that the parcels were handed over by the accused/applicant to Syed Sajid.

7. At this stage, I must add a cautious rider that the entire above discussion has been done only keeping in mind the stringent conditions laid down in Section 37 NDPS Act in order to satisfy myself as to whether there is some evidence to connect the accused/applicant with the alleged offence so as to attract the rigours of Section 37 NDPS Act. The learned trial court shall take independent view after conclusion of trial on these aspects.

8. Considering the above circumstances, I do not find it a fit case to further deprive the accused/applicant liberty.

9. The application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court.

10. Copy of this order be sent to the concerned Jail Superintendent for being immediately conveyed to the accused/applicant.

**GIRISH
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**GIRISH KATHPALIA
(JUDGE)**

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Page 4 of 4 pages

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