

Ramesh Kumar vs.narcotics Control Bureau

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Court : Delhi

Decided On : Mar-19-2019

Appellant : Ramesh Kumar

Respondent : Narcotics Control Bureau

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: March 19, 2019 BAIL APPLN. 1652/2018 RAMESH KUMAR

... Petitioner

Through: Mr. Amit Sharma, Mr. Abhir Datt & Mr. Aditya Bhardwaj, Advocates
Versus NARCOTICS CONTROL BUREAU Respondent Through: Mr. B.S. Arora, Advocate
CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

... Petitioner

seeks bail in Complaint Case No.VIII/31/DZU/17,

ORDER

registered by Narcotics Control Bureau (NCB), under Sections 8(c), 20 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth referred to as the NDPS Act) while claiming to be innocent. Learned counsel for petitioner submits that Narcotic Control Bureau (NCB) arrested father of petitioner and by exercising undue pressure on petitioner, his statement under Section 67 of NDPS Act has been recorded, which in any case does not incriminate petitioner. It is

submitted that there is nothing on record to show that petitioner had connived with his co-accused in transportation of 6.2kg of charas, which was recovered from co-accused Rafiq. It is further submitted that bank Bail Appln.1652/2018 Page 1 of 3 balance of petitioner by itself is not sufficient to falsely implicate him in this case. Lastly, it is submitted that petitioner is a teenager and has clean antecedents and his detention in jail is of more than one year. Learned counsel for petitioner further submits that petitioners co-accused Gaurav has been granted bail by the trial court vide order of 27th August, 2018 by observing that accused Gaurav is not connected with recovery of 6.2 Kg. of charas and no recovery has been effected from him.

... Petitioner

s counsel seeks parity with co-accused Gaurav by submitting that no recovery has been effected from him and so, petitioner deserves bail. It is pointed out by petitioners counsel that recovery of 6.2kg of charas was effected on 15th November, 2017 and thereafter, no deposit has been made into the bank account of petitioner and so, it cannot be said that petitioner has any connection with the alleged recovery of 6.2 kg of charas. Learned counsel for respondent submits that petitioner is very much a party to the conspiracy, as petitioner in his statement under Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 has admitted that his father used to make deposit of some money into his account and he used to withdraw it and he had told his father not to do so. It is submitted by counsel for respondent that petitioners father, who is the kingpin, is absconding and there is apprehension that if petitioner is granted bail, he will indulge in such type of offences in future. Learned counsel for respondent has drawn attention of this Court to Status Report and submits that money of illicit charas has been deposited in the bank account of petitioner by his co-accused and that petitioner was Bail Appln.1652/2018 Page 2 of 3 aware that his father is involved in trafficking of charas and that the petitioner has not been able to explain deposit of 40,000/- in his bank account on one occasion and 50,000/- on another occasion. It is also submitted by learned counsel for respondent that petitioner's father is absconding and if petitioner is released on bail, then he is also likely to abscond. However, learned counsel for respondent had not disputed that trial courts order of 27th August, 2018 granting bail to co-accused Gaurav has attained finality. Upon

hearing and on perusal of complaint in question and the order of 27th August, 2018 granting bail to co-accused Gaurav, I find that the case of petitioner is on better footing than the case of co-accused Gaurav, as no recovery has been effected from petitioner and it prima facie appears that petitioners bank deposit is not relatable to the recovery in question. The apprehension of respondent of petitioner indulging in such type of offences is misplaced, as petitioner has clean antecedents. In any case, petitioner deserves bail on the ground of parity with co-accused Gaurav. In view of aforesaid, without commenting on the merits of the case, it is directed that petitioner be released on bail subject to his furnishing bail bond in the sum of 50,000/- with one local surety in the like amount to the satisfaction of trial court. With aforesaid directions, this application is disposed of. DASTI. MARCH19 2019 r Bail Appln.1652/2018 (SUNIL GAUR) JUDGE Page 3 of 3