

Vijay Vs. State (Nct)

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SooperKanoon Citation : sooperkanoon.com/706444

Court : Delhi

Decided On : Oct-29-2003

Reported in : 112(2004)DLT297

Judge : S.K. Agarwal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439; [Narcotic Drugs and Psychotropic Substances Act, 1985](#) - Sections 37

Appeal No. : CrI. M. (M) No. 3031 of 2003

Appellant : Vijay

Respondent : State (Nct)

Advocate for Def. : Sunil Sharma, Adv.

Advocate for Pet/Ap. : K.K. Manan and; Sanjeev Kumar Manan, Advs

Judgement :

ORDER

S.K. Agarwal, J.

1. By this petition under Section 439, Cr.P.C. read with Section 37, NDPS Act, petitioner is seeking bail in case FIR No. 119/2003 under Sections 15/61/85, NDPS Act, P.S. Vasant Kunj. Prosecution allegations, in brief, are that petitioner

was found standing near Contessa car bearing registration No. DLICF 6343 Along with his co-brother Ruppi. Ruppi had opened the dicky of the car from where 170 kgs. of poppy straw was recovered. Learned APP for the State, strongly opposing the bail application, contended that Ruppi is the co-brother of the petitioner; his disclosure statement reveals that they had jointly brought the poppy straw.

2. I have considered the rival contentions. There is nothing on record to indicate that petitioner was ever in possession of the poppy straw or that he knew or had reason to believe that poppy straw was being carried in the dicky of the car, in the peculiar facts and circumstances of the case, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the Trial Court, subject to the condition that petitioner shall not leave India without prior permission of the Trial Court; he shall surrender his passport, if any, and shall not tamper with the evidence.

3. Petition stands disposed of. Any observation made herein would not affect the merits of the case at any stage.

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