

Bhagwan Das Vs. State

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Court : Delhi

Decided On : Sep-06-2001

Reported in : 93(2001)DLT857; 2001(60)DRJ405

Judge : S.K. Agarwal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439; Narcotic Drugs and Psychotropic Substances Act - Sections 21, 61 and 85

Appeal No. : Crl. M. (M.) No. 1235 of 2001

Appellant : Bhagwan Das

Respondent : State

Advocate for Def. : Sunil Sharma, Adv.

Advocate for Pet/Ap. : Rajesh Sharda, Adv

Disposition : Petition allowed

Judgement :

ORDER

1. This is a petition under Section 439, Cr.P.C. for grant of bail in case FIR No. 616/2000, under Section 21/65/85 of NDPS Act, P.S. Hazrat-Nizamudding.

2. Petitioner was arrested on the allegations of having been found in possession of 5 grams of Heroin.

3. Learned Counsel for petitioner submits that petitioner is a cloth merchant; he is not involved in any case and no public witness was associated either at the time of arrest of the petitioner or even thereafter. In support of his submission, learned Counsel for the petitioner, has referred to search memo wherein Rs. 9,000/- was recovered from the petitioner. Investigation is complete and challan has been filed. Learned APP for State is unable to contest these facts or to show any past involvement of the petitioner.

4. In the facts and circumstances of this case, petition is allowed. Petitioner shall be released on bail, on his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Trial Court.

Petition stands disposed of.

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5. Petition allowed.