

Bail Application of Shubham Sharma

FIR No. 0429/2021

PS Pandav Nagar

State Vs. Shubham Sharma and Vikas Chauhan

U/s 20/25/29 NDPS Act

रीतेश सिंह

REETESH SINGH

अति सत्र न्यायाधीश-2, विशेष न्यायाधीश (एन.डी.पी.सी.) पूर्वी

ASJ-2 & Spl Judge (NDPS), East

कमरा नं. 311

Room No. 311

कडकडूमा न्यायालय, दिल्ली

Karkardooma Courts, Delhi

21.10.2021

Pursuant to order No. 700/RG/DHC dated 30.09.2021 issued by Hon'ble High Court of Delhi, the proceedings in this matter have been conducted through physical hearing.

Present: Sh. Aditya Aggarwal, Ld. Counsel for the applicants/accused persons.
Sh. IUH Siddique, Ld. Addl. PP for the State.

This is an application under section 439 Cr.P.C. praying for grant of regular bail filed by the applicants/accused Shubham Sharma. Reply to the bail applications has been filed by the IO. Submissions have been addressed.

Sh. Aditya Aggarwal, Ld. Counsel has submitted that the previous bail application of Shubham Sharma was dismissed by this court on 20.09.2021. Shubham Sharma approached the Hon'ble High Court of Delhi vide Bail Application no. 3719 of 2021 which however was permitted to be withdrawn by the Hon'ble High Court on 08.10.2021 with liberty to move a bail application afresh before this court. It is submitted that during the course of arguments on the previous bail application, it had been submitted on behalf of the IO that investigation of the case was pending and the role of Shubham Sharma was also under investigation. It is submitted that no previous connection or association of accused Shubham Sharma has come on record during investigation with the other co-accused persons namely Asif, Golu and Nitin.



Sh. Aditya Aggarwal, Ld. Counsel has submitted that the accused was arrested on 17.08.2021 with allegations that two cartons containing Ganja were found in the vehicle Wagon -R bearing registration no. HR 76 E 2469 while one carton was recovered from the vehicle Maruti Swift bearing registration no. DL 6CS 7579. As per the prosecution co-accused Vikas Chauhan was found sitting on the driver's seat of the Wagon -R bearing registration no. HR 76 E 2469 while accused Shubham Sharma was found sitting on its front passenger seat.

Sh. Aditya Aggarwal, Ld. Counsel further submitted that there is no evidence to link the accused Shubham Sharma to any syndicate which was involved in smuggling of Ganja through courier agencies. He submitted that Anil Kumar, father of co-accused Vikas Chauhan was working for M/s V.R.L International Logistics International for delivery of parcels booked with their company. Applicant/accused Shubham Sharma was working in a medical store of co-accused Vikas Chauhan. Anil Kumar received a call from M/s V.R.L International Logistics International for delivery of certain parcels against payment of Rs. 3,500/-. He submitted that it was on the direction of Anil Kumar that his son co-accused Vikas Chauhan and applicant/accused Shubham Sharma went to the office of M/s V.R.L International Logistics International in the said Wagon-R Vehicle. They were handed over parcels for delivery without knowing the contents thereof. It is submitted that Shubham Sharma is innocent and has no connection with the other co-accused persons who were in fact involved in supply of Ganja through courier agencies.



On the other hand prayer for bail is opposed by Ld. Addl. PP for the State on the ground that the previous bail application of Shubham Sharma was rejected on 20.09.2021 and there is no change in circumstances in his favour since then. It was submitted that the weight of the recovered Ganja is 70 kg which is commercial quantity and bar under section 37 of the NDPS Act is attracted.

As per reply filed to the bail application, secret information was received on 17.08.2021 at about 20:00 hours about Golu, Nitin @ Pehalwan and Asif being involved in procuring of Ganja from Orissa and transporting it to Delhi and that they would arrive between 09:30 and 22:00 hours in vehicles Swift DL6CS 7579 and Wagon-R HR 76E 2469 with other person via NH-9 from Sarai Kale Khan towards Akshardham Mandir to supply Ganja in the area of Kalyan Puri/ Trilok Puri, East, Delhi. Raiding team was constituted. At about 21:45 hours one grey coloured Wagon-R HR 76E 2469 coming from Sarai Kale Khan and going towards Ghazipur Delhi was intercepted while the Swift Car bearing no. DL 6CS 7579 coming from behind stopped out of which three persons stepped out and managed to flee. The persons occupying the Wagon-R vehicle were identified as co-accused Vikas Chauhan and applicant/accused Shubham Sharma. After serving notice under section 50 of the NDPS Act, ACP operations arrived and search of the said persons and the Wagon-R was carried out. Two white plastic katta were found on the rear seat of the said vehicle containing cartons. Cartons were opened. First carton was found containing 12 packets wrapped in khakhi coloured plastic tape. Each packet was opened with the help of a knife and were to be found containing Ganja. The second carton was also opened and was



found to be containing 13 packets and each of these packets upon opening were found to be containing Ganja.

The Swift Vehicle was also searched which was found containing one carton which upon opening had several packets containing Ganja. The total weight of Ganja recovered from both the vehicles is 70 kg. The reply of the IO states that the applicant/accused Shubham Sharma and co-accused Vikas Chauhan had disclosed that Anil Kumar, father of Vikas Chauhan was requested by M/s V.R.L International Logistics International to deliver a consignment against payment of Rs. 3,500/-. Co-accused Vikas Chauhan and applicant/accused Shubham Sharma who was working in the shop of Vikas Chauhan went to the office of M/s V.R.L International Logistics International to collect the parcels on the instructions of Anil Kumar. There they met Asif, Golu and Nitin (described as main culprits in the reply) who instructed Vikas Chauhan about the route to be taken for Delhi. While Asif, Golu and Nitin took one parcel in the Maruti Swift Car, applicant/accused Shubham Sharma and Vikas Chauhan took two parcels in their Wagon -R Vehicle. The reply to the bail application states that Joginder Singh, employee of M/s V.R.L International Logistics International has confirmed that Anil Kumar, father of Vikas Chauhan was a vendor of M/s V.R.L International Logistics International.

The reply to the bail application states that on 03.09.2021 accused Asif @ Naeem was arrested and during interrogation he disclosed that he was part of a drug syndicate along with Manish Kumar, Sanjay, Soni @ Golu, Nitin @ Pehelwan and Veer Singh. He further disclosed that he along with those persons used to procure Ganja from Raju, Pradeep and Vikram from the



remote areas of Bhubneshwar, Orissa, packed the same in parcels and used to deliver the same to Delhi NCR through M/s V.R.L International Logistics International.

During the course of submissions on the bail application, query was put by this court to the IO as to whether any past association between applicant/accused Shubham Sharma and the other arrested accused Asif @ Naeem was found to which the IO replied in the negative. It was submitted that accused Asif @ Naeem in his disclosure statement has stated that he had requested M/s V.R.L International Logistics International to arrange for transportation of two parcels and that it was M/s V.R.L International Logistics International who had arranged for delivery through Shubham Sharma and Vikas Chauhan.

At the time of rejection of the previous bail application of Shubham Sharma, it had been submitted that the role of Shubham Sharma was still under investigation. As per the reply to the bail application, it has been confirmed by Joginder Singh, employee of M/s V.R.L International Logistics International that Anil Kumar, father of co-accused Vikas Chauhan was their vendor. Thus, in the past Anil Kumar has been delivery parcels for M/s V.R.L International Logistics International against payment. As stated by the IO, no previous association of Shubham Sharma with co-accused Asif @ Naeem was found and that accused Asif @ Naeem has disclosed that it was on his asking that M/s V.R.L International Logistics International arranged for transportation of parcels involving Shubham Sharma and Vikas Chauhan.

The total weight of the recovered Ganja is 70 kg which is above commercial quantity. As per section 37 (1) (b) (ii) of the NDPS Act no person accused of an offence punishable for offences



involving commercial quantity shall be released on bail unless the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.


The facts of the present case point towards a distinct possibility of applicant/accused Shubham Sharma not knowing anything about the contents of the parcels which he had gone along with co-accused Vikas Chauhan to collect from the office of M/s V.R.L International Logistics International on the asking of Anil Kumar, father of Vikas Chauhan who is a vendor of M/s V.R.L International Logistics International. Further, IO has stated that no past association of Shubham Sharma with Asif, Golu and Nitin (described as main culprits in the reply to the bail application) has been found.

In these facts and circumstances, this court is of the opinion that there are reasonable grounds within the meaning of section 37 (1) (b) (ii) of the NDPS Act for believing that Shubham Sharma is not guilty of such offence and that he is not likely to commit any offence while on bail.

For the reasons recorded above, this bail application is allowed. I hereby admit applicant/accused Shubham Sharma on bail subject to him furnishing a Personal Bond in the sum of Rs. 50,000/- with one surety of the like amount. A copy of this order be sent to the jail Superintendent for information.

Order dasti.




(Reetesh Singh)
Special Judge NDPS
East/KKD Courts/21.10.2021