

Bail Matters 192/2024
STATE Vs. SHAMNAD
FIR No 206 /2022
PS (CRIME BRANCH-SOUTH EAST)
22.01.2024

Present: Sh. Ashesh Kumar, Ld. Addl. PP for State.
Ms Manvi Gupta, Ld. Counsel for accused through
VC.

IO/SI Anshu Kadian WE-I Rajouri Garden.

ORDER ON REGULAR BAIL APPLICATION

1 Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Shamnad. Arguments were heard in extenso, the gist whereof is discussed hereunder.

2 It was submitted that the accused has been languishing in JC since 15.09.2022. It was submitted that nothing incriminating was recovered from the possession of accused or at his instance. It was submitted that accused has been falsely implicated in the present matter as he has nothing to do with alleged incident. It was submitted that the earlier bail application was dismissed by this Court on 04.01.2024. It was further submitted that the FSL report which was filed by the police officials vide order dated 06.11.2023 was in favour of application with the observations that *on Chemical TLC, FTIR (ATR) & GC-MS examination, Narcotic Drugs /Psychotropic substances including amphetamine could not be detected in exhibits 'X1&Y1'*. It was further submitted that after receiving the said report from FSL Rohini,

the Court passed an order dated 30.11.2023 and 02.12.2023 for examination of samples again by CFSL/Hyderabad, Telangana. It was further submitted by Ld Counsel that the on 19.01.2024 the examination result from CFSL was filed by concerned IO, which is again in favour of accused as no Narcotic substance was recovered from the samples. Ld. Counsel thus submitted that keeping the accused behind bars in absence of any evidence infringe the fundamental rights of accused and therefore he ought to be granted bail.

3 *Per contra*, Ld. Addl PP for State alongwith IO opposed the bail application as per law.

4 Submissions heard.

5 A perusal of record reveals that on 03.11.2023, FSL report vide report no SFSL DLH/11994/CHEM/41722/22 dated 02.11.2023 (regarding samples taken from the alleged recovered narcotic substance from arrested accused Raminder) and the FSL result vide report no SFSL DLH/153089/CHEM/5356/22 dated 02.11.2023 (regarding exhibits seized from the house of arrested accused Shamnad) were received. As per both the abovementioned FSL reports, *'no narcotic drug/psychotropic substance including amphetamine could be detected in exhibits.'* Thereafter, on 06.11.2023 a request to send 2nd samples of the case to another CFSL was filed before this court on 30.11.2023 and the same was allowed. Thereafter, vide on dated 12.12.2024, the 2nd samples of the case were deposited in the CFSL,

Hyderabad for examination and the report thereof was received on 11.01.2024. However, as per the report of 2nd samples 'Amphetamine or any other Narcotic Drugs & Psychotropic Substance(NDPS) have not been detected in the exhibits.”

6 Under these circumstances, taking into account the submissions and the fact that no Narcotic Drug and Psychotropic Substance has been detected in the exhibits, this Court is of the opinion that bail ought to be granted to accused, on this furnishing personal bond with surety bond of Rs.40,000/- with one surety in the like amount, subject to following conditions:

- i) The accused is directed to reside in Delhi till further orders and the address shall be verified by the IO concerned at the time of acceptance of bail bonds.
- ii) The accused shall not leave territory of India without the prior permission of this Court,
- iii) The accused is directed to give all his mobile numbers to the Investigating Officer and keep them operational all the times,
- iv) The accused shall not, directly or indirectly, tamper with evidence or try to influence the witnesses in any manner,
- v) In case it is established that the accused has indulged in similar kind of offences or tried to tamper with the evidence, the bail granted to accused shall stand cancelled forthwith.

7 Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no

bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

8 In compliance of ***In Re Policy Strategy for Grant of Bail SMWP (Crl) No. 4/2021***, Ahlmad is directed to send the copy of this order to concerned Jail Superintendent by email. Further, in compliance of ***Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022***, also copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

Order be given dasti.

(ARUL VARMA)

ASJ-04 + Spl. Judge (NDPS) South East District,
Saket Court, New Delhi: 22.01.2024