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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1522/2024

RAJ

.....Petitioner

Through: Ms. Kajol Garg, Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with ASI Virender Singh, P.S. Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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08.07.2024

1. By way of present bail application, the applicant seeks regular bail in FIR No. 234/2023 registered under Sections 20/25/29 of the NDPS Act at P.S. Crime Branch.
2. Learned counsel for the applicant submits that applicant has been implicated in the present case only at the disclosure of co-accused Akhilesh and there is no recovery at the instance of the present applicant. He further states that applicant is in custody since 17.01.2024 and is not involved in any other similar case. Lastly, it is submitted that till date only charge has been framed and trial is yet to begin.
3. Learned APP for the State has opposed the bail application by contending that applicant's name has figured in the disclosure statement of Akhilesh who was arrested with other co-accused namely, Prakash and Naresh and seizure of 45 kg Marijuana/ganja was made at their behest. He



further contends that during the investigation, CDR connectivity was also found between the applicant and co-accused Akhilesh. Besides above, a transfer of Rs.73,500/- was made by the applicant in favour of Akhilesh. It is also pointed out that as per the prosecution case, the kingpin is one Haridada who is yet to be arrested. The applicant has also one CDR connectivity with the said Haridada alongwith banking transfer of Rs.1 lac. He, however, submits that there is no transcription available on record. Learned APP has also confirmed that the applicant is not involved in any other similar offence.

4. I have heard the learned counsels for the parties and perused the material available on record.

5. The nominal roll of the applicant has been placed on record as per which, applicant is also involved in another FIR No. 36/2015 registered under Sections 420/468/471/120B IPC at P.S. Swaroop Nagar.

6. At this stage, learned counsel for the applicant submits that the applicant has already been released on bail in the aforesaid FIR.

7. Considering that there is no seizure from the present applicant whose name figures only in the disclosure statement of co-accused and the only material against him is the disclosure as well as CDR connectivity and transfer of Rs.73,500/-, applicant is directed to be released on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Trial Court/Duty M.M. and subject to the following further conditions :-

i) The applicant shall not leave the NCR without prior permission of the concerned Court.



- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
 - iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
8. The bail application is disposed of in the above terms.
9. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.
10. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only for the purpose of disposal of the present bail application which shall have no bearing on the trial of the case.

MANOJ KUMAR OHRI, J

JULY 8, 2024

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