

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35517 of 2023

Applicant :- Sardar Hardeep Singh

Opposite Party :- Intelligence Officer Narcotics Control Bureau

Counsel for Applicant :- Istiyaq Ali, Ali Hasan

Counsel for Opposite Party :- Ashish Pandey

Hon'ble Umesh Chandra Sharma, J.

1. Second supplementary affidavit filed on behalf of the applicant is taken on record. Counter affidavit filed on behalf of the opposite party is also taken on record.
2. Heard Sri Ali Hasan alongwith Sri Istiyaq Ali, learned counsel for the applicant, Ms. Vijeta Srivastava holding brief of Sri Ashish Pandey, learned counsel for the opposite party and perused the record.
3. By means of this bail application applicant seeks bail in Case Crime No.8/53/DZU/2020(NCB) Delhi, under Sections 27A, 27B, 8/21C/22C/29 NDPS Act, Police Station Sihanigate, District Ghaziabad, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is innocent. Neither the accused was arrested on the spot nor any contraband substance was recovered from his possession. There is no evidence against the applicant except the confessional statement of the co-accused. It is further contended that there is criminal history of two cases against the applicant which has been explained in paragraphs-2 and 3 of the second supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 24.12.2020. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned counsel appearing for the opposite party has vehemently opposed the bail application and submits that there is call details of the present applicant with other accused persons which shows that the applicant is also involved in the alleged crime, contrary to which learned counsel for the applicant contends that only on the basis of call details, it cannot be said that the the applicant is also involved in the alleged offence and he cannot be made accused.

6. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Sardar Hardeep Singh**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 30.10.2023

Shahroz