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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 944/2018**

NEPAL YADAV

..... Petitioner

Through: Mr. S.S. Das, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP with SI
Chandan Kumar, STARS-1/ Crime Branch, R.K.
Puram.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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26.07.2018

The petitioner seeks bail in case titled as “State Vs Nitesh Ekka & Ors.”, in FIR No. 148/2015, PS – Crime Branch (SER), New Delhi, under sections 20, 25, 29 of NDPS ACT, 1985 read with section 120-B of IPC on the ground that none of the contraband was recovered from him and indeed the disclosure statement of Virender @ Viray does not disclose the name of the petitioner either. It is the petitioner’s case that the accused persons - Nitesh Ekka, Virender Kumar Shakyar @ Deepak, Sanjay Chauhan and Sharif Khan had disclosed that they brought the contraband and supplied the same to Virender @ Vire. According to the latter’s disclosure statement, he had kept the documents of the vehicle in a flat whereas the said documents

are stated to have been recovered from the petitioner. However, no contraband was recovered from the petitioner.

The learned counsel for the petitioner submits that indeed nothing was recovered from the petitioner's possession or on his disclosure statement. The petitioner is behind bars since 08.01.2016. Recording of evidence is underway and is likely to take some time.

In view of the above, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the Trial Court concerned out of which one surety shall be from Delhi and the another from NOIDA, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (iv) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-of in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail

Superintendent, concerned for compliance. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through the police.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JULY 26, 2018/acm