12# $~

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

\+ BAIL APPLN. 1979/2018

MANEESH.M. ..... Petitioner

Represented by: Mr. V.K. Sidharthan, Advocate.

versus

STATE ..... Respondent

Represented by: Mr. Ashok K. Garg, APP for State with SI Rahul Kumar, Special Cell/NDR.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

<u>O R D E R</u>

% **19.11.2018**

1. By this petition, petitioner seeks bail in case FIR No. 4/2015 under Section 29 Narcotic Drugs and Psychotropic Substances Act and Section 124A IPC registered at PS Special Cell, NDR.

2. Above noted FIR was registered after a raid was carried out pursuant to a secret information regarding transportation of huge quantity of drugs. On the secret information two persons namely Ajay B. and Siddeekh S. were apprehended while going towards ISBT, Sarai Kale Khan on Ring Road. From the possession of Ajay B. 3.275 Kgs heroin and from the possession of Siddeekh S. 7 kgs heroin was recovered. The two accused were arrested who disclosed that they had a common friend namely Manish and on the directions of Manish they had gone to Srinagar, Kashmir to collect the consignment of heroin. It was Manish who gave them journey expenses and

one mobile phone with SIM card to contact the petitioner. The two accused, that is, Ajay B. and Siddeekh S. disclosed the mobile numbers of the petitioner. Mobile phones recovered from Ajay B. and Siddeekh S. were checked and they contained two mobile numbers i.e. 08156805060 in the name of 'My Boss Maneesh' and mobile No. 09846888795 again in the name of Manish saved in the contact list of accused persons. Efforts were made to arrest the petitioner at his residential address however, he was not available and was declared a proclaimed offender.

3. During the course of investigation the prosecution has also recorded statement of one Shajimon who stated that he and Manish were friends. In the year 2014 Manish came from Kuwait and stated that he did not have any identity card and wanted to purchase a new SIM. He along with Manish went to a mobile phone shop where Shajimon gave his photograph, photocopy of the passport and purchased a new SIM Card of Vodafone mobile company. Witness Shajimon signed on the photograph and photocopy of the details. According to Shajimon in January, 2015 he had gone to Saudi Arabia for work and thus phone was used by Manish though he did not remember the number. On taking out the customer application form it was revealed that the identity of Shajimon was being used for mobile No. 9846888795 which according to Shajimon was used by the petitioner. Version of Shajimon that the petitioner was earlier in Kuwait and had no identity documents is fortified by the receipt of a message of the Interpol with regard to information received from NCB, Kuwait advising that the petitioner was deported from the country for assisting drug trafficking.

4. Considering the fact that the petitioner is a kingpin on whose instance the two persons namely Ajay B. and Siddeekh S. were working, this Court finds no ground to grant bail to the petitioner.

5. Bail application is dismissed.

MUKTA GUPTA, J.

NOVEMBER 19, 2018
'vn'