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

+ BAIL APPLN. 829/2020

MAHESH KUMAR

..... Petitioner

Represented by: Mr.Ramesh Gupta, Sr. Adv. with
Mr.Bharat Sharma, Adv.

Versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Represented by:Mr.Sanjeev Sabharwal, APP for
the State

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

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06.05.2020

1. The hearing has been conducted through Video Conferencing.
2. By this petition, petitioner seeks anticipatory bail in case FIR No.356/2019 under Section 21 NDPS Act registered at P.S. Crime Branch.
3. Learned Senior Counsel for the petitioner contends that the only evidence against the petitioner is the disclosure statement of the co-accused which is inadmissible in evidence and in view thereof itself, the petitioner is entitled to anticipatory bail. After the alleged disclosure of Jugnu, the accused from whom allegedly 500 gms. of Heroin was recovered, petitioner's residence and that of his brother were duly searched by the police, however, no incriminating material was recovered. Merely because other family members of the petitioner are involved in

various FIRs is no ground to presume that the petitioner would also be involved in the FIR when the petitioner has no previous history of involvement except one FIR under Section 323/506 IPC.

5. In response to the present petition, State has filed a status report indicating that the above-noted FIR was registered after a secret information was received at Narcotics Cell, Daryaganj on 17th December, 2019 regarding one Jugnu, resident of Mansarovar Park Jhuggi indulging in supply of Heroin in Delhi in wholesale and retail. It was revealed that Jugnu will come near Railway lines, Mansarovar Park Jhuggi at around 1.30 pm to 2 pm to deliver the consignment. After recording the secret information and conveying the same to the senior officers, a raiding party was constituted and at about 2 pm, one person was apprehended near Railway lines, Mansarovar Park at the instance of informer. The person apprehended disclosed his name as Jugnu, son of Jagga. He was found carrying a black coloured disposable bag containing two transparent polythene wherein 500 gms. of Heroin was found. After due compliance of the provisions of the NDPS Act, the above-noted FIR was registered by the Crime Branch.

6. During interrogation, Jugnu disclosed that he had procured the contraband Heroin from the petitioner and stated that though he did not know his address but he knows where Mahesh was residing. Raid was conducted at the house of the petitioner, however, the petitioner was not found there. Thereafter, number of times raid was conducted at the house of the petitioner and that of his elder brother but no information could be gathered about the petitioner. Since the petitioner was not available, proceedings under Section 82 CrPC were initiated and Non-Bailable Warrants were issued by the learned Trial Court on 28th January, 2020, returnable for 15th May, 2020.

7. Even de hors the fact that the father of the petitioner is involved in 71 criminal cases of Excise Act and NDPS Act, mother of the petitioner is involved in 48 criminal cases of Excise Act and two brothers of the petitioner are also involved in cases of Excise Act and NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner for the reason custodial interrogation of the petitioner is necessary to ascertain the complete chain of supply and sale of the contraband and to find out whether besides the petitioner, other people are also involved.

8. Petition is accordingly dismissed.

MUKTA GUPTA, J.

MAY 06, 2020/akb