

\$~9

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1345/2020

MUKESH

..... Petitioner

Through: Mr.Vikas Negi, Advocate

Versus

STATE

..... Respondent

Through: Ms.Radhika Kolluru, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

%

08.07.2020

1. The present bail application has been filed seeking regular bail in FIR No. 40/2019 under Sections 29/61/85 NDPS Act registered at Police Station Special Cell, Delhi.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has been in custody since 13.03.2019. He submits that as per the allegations levelled in the FIR, no recovery has taken place from the petitioner who has been arrested at the disclosure of the co-accused *Ankush*. He further submits that the petitioner is in the money lending business and knows the co-accused only because he is a childhood friend. He submits that the reliance placed on the CDR and the transcript is of no help to the prosecution as the same is two months prior in time and there is no conversation regarding any narcotic substance and the

entire conversation is about the money transactions. He further submits that only charge under Section 29 has been framed against the petitioner.

3. Learned APP for the State submits that the petitioner was arrested at the disclosure of the co-accused *Ankush* from whom 2 kg of heroin was recovered. Further, another 2 kg of heroin was recovered from the Hyundai Car in which both *Ankush & Amit* were travelling.

4. She further submits that voice samples of the accused were compared and the same have matched. She submits that the petitioner is found involved in four other cases under Excise Act.

5. At this stage, in rebuttal, learned counsel for the petitioner submits that the petitioner has been acquitted in all the said four cases.

6. Looking into the totality of the facts and circumstances of the case, the petitioner is admitted to regular bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM, subject to the following conditions.

(i) The petitioner will not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.

(ii) The petitioner shall provide the I.O./SHO Police Station Special Cell, Delhi with his mobile phone number and in the event of change of his residential address, shall inform the same to the I.O./SHO.

(iii) The petitioner shall not leave the jurisdiction of the National Capital Territory of Delhi without prior permission of the concerned Court.

(iv) The petitioner will remain regularly present before the Trial Court.

7. The bail application is accordingly disposed of.

8. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

JULY 08, 2020

p'ma