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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 59/2024, CRL.M.A. 390/2024, CRL.M.A. 391/2024**

PAWAN KUMAR

.....Petitioner

Through: Mr. Sumit Sharma, Mr. Narender and
Mr. Aditya, Advocates.

versus

STATE THROUGH SHO TILAK NAGAR

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Rajendra Meena, P.S. Anti
Narcotics Squad.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.11.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 162/2023 registered under Sections 18/29 of the NDPS Act at P.S. Tilak Nagar.
2. Learned counsel for the applicant submits that in the present case, the prosecution has alleged recovery of 3.46 kg of opium from the co-accused *Keshu Ram Gaur*. It is submitted that no recovery has been attributed to the present applicant. It is further submitted that applicant was taken into custody on 27.04.2023 and except for the period when he was released on interim bail, he continues to be incarcerated. It is further submitted that though the charge-sheet is filed in September, 2023, however till date, no charge has been framed for want of FSL.
3. Ld. APP for the State has opposed the bail application. He contends



that in the present FIR, recovery of the substance was effected from the co-accused at the house of the present applicant. He however, fairly submits that there is no separate recovery from the present applicant and that the role of the applicant is spelled out from the CDR connectivity. It is also stated that the applicant is not involved in any other case.

4. I have heard the learned counsels for the parties and perused the material available on record.

5. Considering the fact that no recovery has been attributed to the present applicant and keeping in mind the period of custody and the further fact that charges are yet to be framed for want of FSL report, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000 with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty JM and subject to verification of his address and also subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.



- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
6. The bail application is disposed of in the above terms.
7. Copy of the order be communicated to the concerned Jail Superintendent.
8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

NOVEMBER 25, 2024

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