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

+ **BAIL APPLN. 172/2024**

MANJURA

..... Petitioner

Through: **Mr. Vishal Raj Sehijpal Adv.**
(through VC).

versus

STATE OF NCT OF DELHI

..... Respondent

Through: **Mr. Amit Ahlawat, APP for the State**
with Insp Ashok Kr. Narcotics Cell
O.N.D.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.05.2024

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1. The present application under Section 438 of the Cr.PC. seeks anticipatory bail in case FIR No. 178/2023, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short, 'NDPS Act'), registered at P.S. Bhalswa Dairy.

2. The case of the prosecution, as per the status report dated 08.03.2024 authored by Inspector Ashok Kumar, Anti-Narcotics Cell/OND, is that on 22.01.2023, secret information was received that a lady, namely, Najma involved in sale of heroin would leave from her house between 09:00 AM and 10:00 AM to deliver a consignment to a customer. Accordingly, a raid was conducted and Najma was apprehended at 09:16 AM. After compliance with necessary provisions of the NDPS Act, personal search of Najma was conducted and a transparent polythene packet was recovered from her left hand. The said polythene bag contained another transparent polythene packet tied with a rubber band. The said packet contained a light brown



coloured substance, which, on being tested with a field testing kit, was found to be heroin. The recovered substance weighed 72 grams. Accordingly, the present FIR was registered. On the instance of accused Najma, accused Shaiba was arrested on 02.02.2023 and 110 grams of *heroin* was recovered from her house. During interrogation, accused Shaiba disclosed that she and her sister/present applicant, Manjura used to sell *heroin* after procuring the same from accused Najma.

3. Learned counsel appearing on behalf of the applicant submitted that the latter has been implicated in the present case on the basis of disclosure statement of her sister/co-accused, Shaiba, from whom 110 grams of *heroin* had been recovered and has already been enlarged on bail by the learned ASJ *vide* order dated 29.03.2023. It is pointed out that apart from the said disclosure statements relied upon by the Investigating Officer, nothing connects the present applicant with the recovery of the contraband in the present case.

4. Learned counsel for the applicant further submitted that similarly situated co-accused Rahima @ Bhuti, who was arrayed as a co-accused in the present FIR on the basis of the disclosure statement made by the accused, Najma, was also granted anticipatory bail by this Court in BAIL APPLN. 2018/2023 *vide* an order dated 04.10.2023.

5. *Per contra*, learned APP for the State, on instructions from the Investigating Officer, submitted that after the applicant was granted interim protection *vide* order dated 02.02.2024 she had joined the investigation and had provided her mobile number. It is further submitted that after analysis of CDR, it was found that accused Sahiba and the present applicant were continuously connected with each other. It is further submitted that custodial



interrogation of the applicant is required in order to uncover the entire supply chain of contraband and apprehend all the persons involved. Learned APP has opposed the present application on the ground that the present applicant is also involved in other cases, one of which is related to the NDPS Act.

6. Heard learned counsel for the parties and perused the record.

7. The case of the prosecution *qua* the present applicant is based on the disclosure statement made by her sister/co-accused, Shaiba, who stated that the applicant used to sell heroin alongwith her after procuring the same from accused, Najma. The disclosure statement of the co-accused Shaiba does not say that the contraband recovered from her house was procured or supplied by the present applicant. The said both co-accused Najma and Shaiba have already been granted regular bail *vide* orders dated 20.04.2023 and 29.03.2023 respectively, passed by learned ASJ on the ground that the contraband recovered in the present case is of an intermediate quantity. As stated hereinabove, other co-accused persons involved in the present case have also been granted bail by the learned ASJ. It is also relevant to note that no recovery has been effected from the present applicant.

8. It is matter of record that after the present applicant was granted interim protection *vide* order dated 02.02.2024, she had joined the investigation as and when called by the Investigating Officer and had provided her mobile number and had not misused the liberty granted to her. The investigation in the present case is complete and the chargesheet stands filed before the Court of competent jurisdiction.

9. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be



released on bail on his furnishing personal bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned Arresting Officer/Investigating Officer/Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant shall join the investigation as and when called by the Investigating Officer concerned.
 - v. The applicant will not try to influence the witnesses in any manner.
 - vi. The applicant shall provide her mobile number to the Investigating Officer and intimate about any change
10. The application is allowed and disposed of accordingly.
 11. Pending applications, if any, also stand disposed of.
 12. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present application.
 13. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 13, 2024/nk

Click here to check corrigendum, if any