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

+ **BAIL APPLN. 266/2024**

FIROZ

..... Applicant

Through: Mr.U.A.Khan, Mr.Tushar
Upadhyaya, Ms.Rizwana Khan,
Mr.Shahrukh Khan, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Aman Usman, APP with SI
Anil, SI Sachin.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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01.03.2024

1. This application has been filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for grant of Anticipatory Bail in the event of his arrest in FIR No.900/2023 registered with Police Station: Seemapuri, Delhi under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short, 'NDPS Act').

2. The learned counsel for applicant submits that the entire case of the prosecution against the applicant is on the basis of the alleged disclosure statement made by his mother/co-accused, namely Jaitun. He submits that apart from the above disclosure statement, there is no other evidence against the applicant. The recovery made from the alleged co-accused was also of an intermediate quantity. She has already been released on bail vide order dated 09.01.2024 passed by



the learned Trial Court. He further submits that the applicant not only joined the investigation, but also undertakes to join the investigation in future as and when called.

3. On the other hand, the learned APP submits that the applicant is involved in ten other criminal cases as well, of which, two are of under the NDPS Act. He further submits that though the applicant reported to the Investigating Officer (IO) in compliance with the notice issued under Section 41 of the Cr.P.C., during interrogation, he completely denied his involvement with the co-accused and did not cooperate in the investigation.

4. I have considered the submissions made by the learned counsels for the parties.

5. As noted hereinabove, the entire case against the applicant is based only on the alleged disclosure statement made by his mother/co-accused, who has already been granted bail by the order dated 09.01.2024 passed by the learned Trial Court. The involvement of the applicant in other cases cannot be a bar on him being granted anticipatory bail in the present case. It is not expected of the applicant to sign a confessional statement as a condition to hold him as cooperating in investigation.

6. Accordingly, keeping in view the totality of circumstances, it is directed that in the event of arrest, the applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount, to the satisfaction of the IO/Arresting Officer/SHO concerned in the FIR No.900/2023 registered with Police Station: Seemapuri, Delhi under Sections 21/29



of the NDPS Act, and further subject to the following conditions:

- (i) that the Applicant will join the investigation, as and when directed, in writing;
- (ii) that the Applicant shall not leave NCT of Delhi without intimating the IO/SHO concerned;
- (iii) that the Applicant shall not, directly or indirectly, try to contact/influence any other witness(s) or tamper with evidence of the case;
- (iv) that the Applicant shall furnish his mobile phone/landline number and residential address to the IO/SHO concerned, and in the event of any change in the same, the applicant will immediately inform the same to the IO/SHO; and,
- (v) The Applicant shall not indulge in any criminal activity.

7. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Anticipatory Bail and shall not be construed as an expression on the merits of the matter.

8. The Bail Application is disposed of in the above terms.

NAVIN CHAWLA, J

MARCH 1, 2024/Arya/am

Click here to check corrigendum, if any