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

+ **BAIL APPLN. 573/2024**

SHOBHA @ MONU

..... Petitioner

Through: Mr.Upendra Yadav, Advocate

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **08.05.2024**

1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.165/2023 registered under Sections 21/29 NDPS Act at PS Crime Branch.
2. Learned counsel for the applicant submits that the role assigned to the present applicant has come in the disclosure statement of the co-accused. He further contends that no recovery has been made at the instance of the present applicant and the applicant is in custody since 18.07.2023. He also contends that the chargesheet having been filed, the applicant is no longer required for any custodial interrogation.
3. Learned APP for the State has opposed the bail application. He submits that the recovery of about 310 gm of heroin was made at the instance of the applicant's sister, *Poonam*. He further submits that the substance seized was to be delivered to one *Irshad Ali@Nanu* with whom



the applicant has CDR connectivity inasmuch as 177 calls are exchanged between them. He, on instructions, confirms that there is no recovery on behalf of the applicant. He further, on instructions, confirms that the applicant is not involved in any other similar case besides one, however, the same is under the provisions of the POCSO Act.

4. At this stage, learned counsel for the applicant submits that there is no transcript/conversation placed on record.

5. Keeping in view the aforesaid facts and circumstances including the role assigned to the applicant and the period of custody and the fact that there is no recovery at the instance of the present applicant, it is directed that the applicant be released on regular bail subject to her 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 M.M. and 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 her 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 electronically for information.
8. Copy of the order be uploaded on the website forthwith.
9. 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

MAY 8, 2024

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