



2024:DHC:5457



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 23rd July, 2024**
+ **BAIL APPLN. 737/2024**

MAAN SINGH GHARTI

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Kshitij Goel,
Ms. R. Rama, Mr. B.P. Agarwal, Ms
Sharanjit Kaur Shergil, Mr. Abhishek
Singh, Ms. Anjali Verma, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with SI Sanjeev, NR-II, Crime
Branch, Rohini, Delhi.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present Bail Application under Section 439 of the Code of Criminal Procedure (*hereinafter referred to as "Cr.PC, 1973"*) has been filed on behalf of the petitioner for grant of Regular Bail in FIR No. 165/2021 under Sections 20/29 of the NDPS Act, registered at Police Station Crime Branch.
2. The case of the prosecution is that on 21.08.2021, on the basis of secret information, a raid was conducted and co-accused Sohaib Ali and Arshad, were apprehended from a place near MajnuKa Tila, Delhi. As per the prosecution, 4.21 Kg. Charas was recovered from accused Sohaib Ali.



2024:DHC:5457



FIR No. 165/2021 under Sections 20/29 of the NDPS Act, was registered by the Crime Branch.

3. In August, 2021, on the basis of disclosure statement of the co-accused, the applicant was arrested though admittedly, no recovery was made from the applicant. Only incriminating evidence against him is the disclosure statement of the co-accused, which is not admissible in evidence and the alleged payments made through UPI, to the account of one Ram Paudyal and cash recovered from the applicant.

4. The Charge-Sheet has already been filed on 01.02.2022. The accused Sohaib Ali has been granted bail on 21.07.2023. The other co-accused Arshad Khan has also been granted bail.

5. The accused has relied upon the Judgments in the cases of '*Gaurav Mendiratta vs. Narcotics Control Bureau*' in Bail Appln. No. 1610/2021, decided on 07.02.2022; '*Harjinder Singh vs. State of Punjab*' in CRM-M-31962-2015, decided by the Hon'ble High Court of Punjab and Haryana on 11.12.2015; '*Sweetie vs. State of Punjab*' in CRM-M-27415-2021, decided by the Hon'ble High Court of Punjab and Haryana, decided on 14.09.2022; '*Gulshan Kumar vs. State of Himachal Pradesh*' in CrI. Misc. Petition (Main) No. 453/2022, decided by the Hon'ble High Court of Himachal Pradesh, on 04.08.2022; '*Ansar Ahmed vs. State (NCT of Delhi)*' in Bail Appln. 2667/2022, decided by the Hon'ble High Court of Delhi, on 17.04.2023; '*Jasbir Singh vs. Narcotics Control Bureau*' in Bail Appln. No. 1120/2022, decided on 13.01.2023; '*Jannat vs. State of Himachal Pradesh*' in CrI.M.P. (M) No. 785/2023, decided by the Hon'ble High Court of Himachal Pradesh, on 18.05.2023; '*Amit Ranjan vs. NCB*', in Bail Appln. No. 1189/2020.



2024:DHC:5457



6. The accused submits that he shall abide by all the terms and conditions that may be imposed upon him.
7. **The learned APP for the State**, has contested the Bail Application. He has submitted that upon investigation, it was revealed that the accused, Sohaib Ali had paid Rs.72,000/- to the applicant, Man Singh Gharti as payment for recovered Charas. Out of this amount, Rs.32,000/- was transferred from his mobile phone to 9540188220 (UPI transaction) and Rs.40,000/- cash was recovered from the applicant, at the time of his arrest. It has also been found that said mobile number is registered in the name of Ramu Paudel. The investigations have revealed that accused Sohaib Ali had transferred the amount of Rs.32,000/-, from his Bank of India, Account No. 882610110012606 on 21.08.2021.
8. Ramu Paudel had also joined the investigations and disclosed that he knew the applicant since last many years as both are from Nepal. He used to book tickets and transfer money on commission basis, for the applicant. He admitted having received Rs.32,000/- on 21.08.2021, as per the directions of the applicant.
9. The mobile phones have already been seized and deposited in malkhana. FSL report has been obtained and the exhibits recovered from the co-accused persons, have been found to be *Charas*. The CDR of the mobile phones of the accused persons, have also been recovered.
10. The trial is at the stage of prosecution evidence. There are 20 public witnesses, out of which three public witnesses, have been examined. The case is pending trial.
11. Considering the nature of allegations of the accused being a supplier of drugs, the bail application is opposed. It is also argued that he had earlier



2024:DHC:5457



convicted for similar offence registered in FIR No. 192/2006 and was convicted for 10 years and was confined to jail from 2008 till 2017. The applicant is asserted to be a habitual offender, who soon after his release from the jail after previous conviction, had got involved in the similar activities. The Bail Application is, therefore, opposed.

12. Submissions heard.

13. The allegations against the applicant are of being a supplier of the drugs. The money trails have been established. The accused is a previous convict for similar offence for which he has already undergone 10 years of sentence. Soon after his release, he again got involved in the present case. Considering the past antecedents and conviction and the serious nature of allegations which are of the drug supplier, the Bail Application is hereby dismissed.

14. The Bail Application is disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 23, 2024/RS