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

+ **BAIL APPLN. 874/2024**

KAULE RAM

..... Petitioner

Through: **Mr.Ranjit Singh Cheema, Advocate**

versus

THE STATE GNCT OF DELHI

..... Respondent

Through: **Mr.Yasir Rauf Ansari, ASC (Crl.) for State with Ms.Bhavya Rana, Mr.Sagar Jain, Mr.Vipin Parik and Mr.Saurav Yadav, Advocates alongwith SI Vinod Joshi, Special Cell/NDR.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

27.05.2024

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1. An application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of bail in FIR No. 0371/2022, under Section 20 NDPS Act, registered at P.S.: Special Cell, Delhi. Chargesheet has been filed under Sections 20/29 of NDPS Act.
2. In brief, as per the case of the prosecution, on 09.12.2022, upon secret information, Rajesh Kumar was apprehended from Karnal Road, Alipur, Delhi with a bag containing 10 Kg. of Hashish. It is further the case of prosecution that present applicant /petitioner/ Kaule Ram was the main supplier and Rajesh (co-accused) was merely a conduit.
3. Learned counsel for petitioner submits that main accused Rajesh Kumar has been released on bail vide order dated 29.01.2024 by learned



ASJ/Spl. Judge, NDPS, New Delhi on the ground of non-compliance of Section 52A of NDPS Act. He further submits that petitioner Kaule Ram is in custody since June, 2023, and nothing was recovered from his possession, with respect to present FIR.

4. On the other hand, learned ASC for the State opposes the application and submits that petitioner is the main supplier and since he could not be arrested during course of investigation, he was declared as proclaimed offender. Further, CDR details obtained in course of investigation connected the petitioner with co-accused Rajesh and an amount of Rs.1.4 lac was also withdrawn by petitioner's wife on the date of arrest of co-accused Rajesh, apprehending that bank account may be freezed. It is also urged that mobile phones which were allegedly handed over by petitioner during investigation were different from those which were used by him.

5. I have given considered thought to the contentions raised.

Admittedly, the main accused has already been released on bail and nothing stands recovered at the instance of the petitioner. Merely on basis of CDR and because petitioner was declared as proclaimed offender, cannot be a sole ground for continuing his detention in custody.

Since the co-accused Rajesh from whom recovery was made has already been released on bail, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 1,00,000/- (Rupees One Lac only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions :

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO)/SHO concerned at the time of release.
- (ii) In case of change of address, petitioner shall



intimate/communicate his address to the IO/SHO concerned.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J

MAY 27, 2024/v