



\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1128/2023**

MD. WASHIM KHAN

..... Petitioner

Through: Mr. Amit Gupta, Mr. Vivek Kumar
and Mr. Mukesh Sharma Advocates.

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr. Aashneet Singh, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.01.2024

%

1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C., the applicant seeks regular bail in FIR No. 77/2022 registered under Sections 21/25/29 of NDPS Act at Police Station Special Cell, Delhi.
2. Learned counsel for the applicant states that there is no recovery from the present applicant. He further submits that the substance was recovered from the co-accused/*Kalimuddin* on 08.04.2022 and as per the prosecution case the last CDR connectivity between the applicant and co-accused *Kalimuddin* was of 01.03.2022. He further submits that there is no other material collected on record.
3. The bail is vehemently opposed by the learned APP for the State. It is contended that after the arrest of *Kalimuddin*, on his disclosure, the present applicant was arrested and at that time, heroin weighing 102 gm was also recovered from him. He however submits that insofar as the recovery of

BAIL APPLN. 1128/2023

Page 1 of 3



102 gm is concerned, a separate FIR No. 76(4)2022 TBL-PS was registered under Sections 21(b)/60(3) of the NDPS Act at Police Station Thoubal, Manipur.

4. At this stage, learned counsel for the applicant states that recovery effected from the applicant was intermediate quantity wherein applicant was released on anticipatory bail.

5. Applicant is stated to be in custody since 14.04.2022. Considering that there is no interception or transcription of any conversation and the fact that prosecution has only collected CDR details as per which applicant has been shown to have contacted *Kalimuddin* on 01.03.2022 whereas recovery has been made on 09.04.2022, the parameters of S.37 of Act are satisfied. It is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/Jail Superintendent/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 his 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

JANUARY 24, 2024

ga