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

+ **BAIL APPLN. 899/2024**

VISHAL @ GOLU

..... Petitioner

Through: Mr.Mritunjay Singh, Mr.Arvind Kumar,
Mr.Subit, Mr.Ankit and Mr.Karan, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Arun Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.04.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.113/2023 registered under Sections 21 and 29 NDPS Act at P.S. Kalandi Kunj.
2. Learned counsel for the applicant submits that the applicant is in custody since 12.03.2023 and the chargesheet has been filed and the charges are yet not framed. He further submits that insofar as the present applicant is concerned, there is no recovery. Further there is no material against the applicant except the disclosure statement of the co-accused namely *Avinash Tiwari*.
3. Learned APP for the State has opposed the bail application. He, on instructions, submits that the recovery was effected from the co-accused *Avinash Tiwari*, who had disclosed the name of the present applicant. On a



specific query, he submits that besides the disclosure, there is no other material collected during the investigation. He, however, submits that there is another FIR pending against the present applicant being FIR No.146/2023 registered under Sections 21,29,61 & 85 of NDPS Act at PS Okhla Industrial Area.

4. Keeping in view the aforesaid facts and circumstances including the fact that the only material placed against the applicant is disclosure statement of the co-accused and that he is arrayed as an accused with the aid of section 29, the parameters of Section 37 stand satisfied. It is directed that the applicant be released on regular bail subject to his 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 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.



5. The bail application is disposed of in the above terms.
6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
7. Copy of the order be uploaded on the website forthwith.
8. 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

APRIL 24, 2024

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