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

+ BAIL APPLN. 1652/2023

GOPAL

..... Applicant

Through: Mr. Ankaj Giri, Adv.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Aman Usman, APP with SI
Sanjeev Gupta

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **19.01.2024**

1. This application has been filed by the applicant under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'CrPC'), seeking release of the applicant on regular bail in FIR No.0242/2022 registered at Police Station: Crime Branch, Delhi under Sections 20/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

2. It is the case of the prosecution that, on 12.10.2022, on a secret information received, one lady namely Amanpreet Kaur @ Preeti, was apprehended from a hotel at Paharganj, Delhi. Contraband, being Charas, weighing 1410 grams was recovered from her. During the investigation, she disclosed that a lady, namely Raji, and her son Gopal, who is the applicant herein, used to supply the contraband, that is charas, to her, which she used to sell in Delhi-NCR and Rajasthan. Certain Whatsapp chats between the accused- Amanpreet Kaur @ Preeti and the co-accused- Raji were also found.

3. The learned counsel for the applicant, placing reliance on the



judgment of the Supreme Court in ***Bharat Chaudhary v. Union of India***, decided on 13.12.2021 in Special Leave to Appeal (Crl.) No.5703 of 2021; and Judgements of this Court in ***Kingsley Ofobike v. Narcotics Control Bureau***, Neutral Citation No.2023:DHC:4885; ***Phundreimayum Yas Khan v. State***, decided on 11.01.2023 in Bail Appln. 1383/2022; ***Lal Vedant Nath Shah Deo v. State (NCT of Delhi)***, Neutral Citation No.2023/2023/000885; ***Jasbir Singh v. Narcotics Control Bureau***, decided on 13.01.2023 in Bail Appln.1120/2022; ***Amit Ranjan v. Narcotics Control Bureau, Delhi***, Neutral Citation No.2022:DHC:1985; and ***Shyam Gupta & Ors. v. State***, Neutral Citation No.2023/DHC/001777, submits that no recovery has been made from the applicant. He submits that the case against the applicant is only on basis of an alleged statement given by the co-accused-Amanpreet Kaur @ Preeti while in custody. He submits that the applicant has been in custody since 21.12.2022 and there is no other criminal case pending against the applicant.

4. On the other hand, the learned APP for State opposes the prayer made by the applicant by submitting that, in the present case, the applicant along with her mother is found to be the source of supplying charas, which was found to be in the possession of the co-accused Amanpreet Kaur @ Preeti. He submits that there is also a chance of the applicant jumping bail in case he is released from custody. He submits that there are whatsapp chats, CDR, and banking transactions which show the connection between the three co-accused persons.

5. I have considered the submissions made by the parties.

6. In the present case, no recovery has been made from the



applicant. The whatsapp chats are also stated to be between the co-accused, that is, Amanpreet Kaur @ Preeti and Raji. Though, certain calls are also alleged to be between the Amanpreet Kaur @ Preeti and the applicant, these are matters to be discussed and ascertained in trial. It is also pertinent to note that the conduct of the applicant in jail has also been reported to be satisfactory in his nominal roll and no other case is also reported to be pending against the applicant. The applicant has been in custody for more than a year.

7. Keeping in view the above facts and circumstances, the applicant is directed to be released on bail in FIR No.0242/2022 registered at Police Station: Crime Branch, Delhi under Sections 20/29/61/85 of the NDPS Act, subject to his furnishing a personal bond in the sum of Rs.25,000/- (Twenty Five Thousand Only), with one local surety of the like amount to the satisfaction of the Ld. Trial Court, and further subject to the following conditions:

- i. The Applicant will not leave the NCT without the prior permission of the Ld. Trial Court.
- ii. The Applicant shall provide his permanent address to the Ld. Trial Court. The Applicant shall also intimate the Court, by way of an affidavit, and to the Investigating Officer (IO), regarding any change in his residential address.
- iii. The Applicant shall appear before the Ld. Trial Court as and when the matter is taken up for hearing.
- iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the Applicant in a working condition at all times and shall not be



switched off or changed by him without prior intimation to the Ld. Trial Court and the IO concerned. The mobile location be kept on at all times.

v. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses.

vi. The Applicant shall report before the concerned IO every 15 days.

vii. In case the Applicant is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his bail in the present case as well.

8. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the matter.

9. The Bail Application is disposed of in the above terms.

10. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

JANUARY 19, 2024/ns/ss

[Click here to check corrigendum, if any](#)