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

+ **BAIL APPLN. 1671/2023**

MOHD NASIR @IMRAN

..... Petitioner

Through: Mr. Alamgir, Adv.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Narsi Parsad & ASI Bedi
Ram, P.S. New Friends Colony.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.01.2024

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1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 369/2022, under Sections 20/61/85 of the NDPS Act, registered at P.S. New Friends Colony.
2. The case of the prosecution is that on receipt of secret information, the present applicant was apprehended and recovery of 13.785 kg of *Ganja* was made from him. After completion of necessary formalities and investigation, chargesheet has been filed and charges have been framed *qua* the present applicant.
3. Learned counsel for the applicant submits that quantity involved in the present FIR is intermediate in nature, and, therefore, Section 37 of the NDPS will not be applicable. It is further pointed out that the applicant was arrested on 25.09.2022. It is further pointed out that applicant is not involved in any other previous offence and prosecution has cited 18



witnesses, out of which 2 formal witnesses have been examined. It is further submitted that the applicant has permanent residence and is ready to abide by any condition as may be imposed by the Court.

4. *Per contra*, learned APP for the State submits that the trial is pending and the recovery witnesses are yet to be examined. It is submitted that in view of the recovery made, the application may be dismissed.

5. Heard the learned counsel for the parties and perused the record.

6. The recovery in this case is intermediate in nature and all the witnesses are official in nature. The nominal roll dated 09.08.2023 received from Superintendent of Prisons, Central Jail No. 05, Tihar, New Delhi, reflects that the applicant has been in judicial custody since 27.09.2022. The prosecution has cited 18 witnesses out of which only 2 have been examined so far and the trial is likely to take some time.

7. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave the NCT of Delhi without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the



Investigating Officer and keep it operational at all times.

- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
8. The application is allowed and disposed of accordingly.
9. Pending application, if any, also stand disposed of.
10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JANUARY 12, 2024/nk