



\$~60

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

+ **BAIL APPLN. 1336/2024 and CRL.M.A. 11641/2024**

**LALLAN YADAV**

.....Petitioner

Through: Mr. Aditya Aggarwal, Mr. Manas  
Agarwal, Ms. Kajol Garg, and Mr.  
Vineet Chawla, Advocates.

versus

**STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Mr. Tarang Srivastva, APP for the  
State with SI Dharmender, Special  
Cell.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

**16.12.2024**

%

By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973, the petitioner seeks regular bail in case FIR No.111/2023 dated 23.04.2023 registered under sections 18/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') at P.S.: Special Cell, Delhi.

2. Notice on this petition was issued on 22.04.2024.
3. Status Reports dated 01.05.2024 and 07.09.2024 have been filed in the matter.
4. Nominal roll dated 29.04.2024 has also been received from the concerned Jail Superintendent.
5. Pursuant to what was recorded in order dated 29.11.2024, Mr. Tarang Srivastava, learned APP appearing for the State has handed-up Status Report dated 05.12.2024, which encloses FSL Report dated



06.09.2024 in relation to the voice sample of the petitioner alongwith a transcript of the conversation which the petitioner is alleged to have had with co-accused Dal Chand. The status report is taken on record.

6. The court has heard Mr. Aditya Aggarwal, learned counsel appearing for the petitioner as well as learned APP for the State.
7. As per the record, the petitioner has been implicated in the case on the basis of a disclosure statement made by one of the co-accused persons - namely, Dal Chand. Furthermore, the State has cited as incriminating circumstances against the petitioner, certain Call Detail Records ('CDRs') showing telephonic connectivity between the petitioner and co-accused Dal Chand during the period from 27.03.2023 to 28.03.2023; and the petitioner's CDR connectivity with another co-accused Prakash Puri on 06.04.2023.
8. In respect of the alleged conversation between the petitioner and Dal Chand, the State has also placed on record a transcript of the alleged conversation that took place between the two on 27.03.2023.
9. Mr. Aggarwal however argues, that first and foremost, the cellphone number on which the petitioner is alleged to have conversed with the aforesaid co-accused persons, namely Dal Chand and Prakash Puri, *i.e.*, 9258027042 does not belong to the petitioner; and the prosecution has failed to show that the number either stands registered in the name of the petitioner or that it was even being used by him.
10. Furthermore, it is submitted that no transcript of any conversation between the petitioner and Prakash Puri has been cited by the prosecution.



11. Counsel also argues, that the FSL report in respect of voice sample of the petitioner narrates that there was insufficient speech exemplar to connect the voice in the conversation with the petitioner's voice.
12. Besides, it is argued, that even assuming that the conversation was between the petitioner and Dal Chand, the only alleged offensive part of the conversation is one where Dal Chand is telling the person in conversation with him (which has *not* been shown to be the petitioner) that “मेरी बात सुनो पप्पू का माल उतरा 80 Kg का”. It is also pointed-out that the alleged conversation with Dal Chand is alleged to have taken place on 27.03.2023, *i.e.*, almost a month before the date of the alleged offence in the present case *i.e.*, 23.04.2023; and it is therefore farfetched to allege that the said conversation was in any way related to the contraband alleged to have been recovered in the present case.
13. Mr. Aggarwal submits, that admittedly there has been no recovery from the petitioner; and the CDRs cited against him also relate to a cellphone number which does not belong to the petitioner, and there is no material or evidence to show otherwise.
14. Opposing the grant of bail, learned APP submits that though it is correct that the FSL report does not confirm that the conversation cited by them was between Dal Chand and the petitioner, but that is only for the reason that the data relating to the petitioner's voice sample available with the FSL was insufficient to compare with the voice in the conversation.
15. Learned APP however does not dispute that no recovery has been made from the petitioner; and that even the conversation cited



between the petitioner and Dal Chand had happened on 27.03.2023 and not anytime near the date of the incident *i.e.*, 23.04.2023.

16. Upon enquiry, the court is informed that the proceedings before the learned trial court are at the stage of framing of charges; that the prosecution has cited 25 witnesses, none of whom have obviously been examined as of date; and that therefore it is very unlikely that the trial in the matter will be completed any time soon.
17. In this backdrop, it is noticed from the nominal roll, that the petitioner has suffered judicial custody of almost 1½ years; that his jail conduct has been 'satisfactory'; and that he has no other criminal involvements.
18. In the circumstances of the case, this court is persuaded to grant to the petitioner – ***Lallan Yadav s/o Sharvan Yadav*** – *regular bail* pending trial, subject to the following conditions :
  - 18.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
  - 18.2. The petitioner shall furnish to the Investigating Officer/S.H.O., Special Cell, Delhi a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
  - 18.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;



- 18.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- 18.5. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 18.6. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
19. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
20. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
21. The petition stands disposed-of.
22. Other pending applications, if any, are also disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**DECEMBER 16, 2024**  
**SV**