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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1399/2024**
SUMIT KUMARPetitioner
Through: Mr. Ankaj Giri, Advocate.

versus

THE STATE(NCT OF DELHI)Respondent
Through: Mr. Aashneet Singh, APP for State
with SI Hitesh Bhardwaj PS Crima
Branch, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.07.2024

1. The present application has been filed on behalf of the petitioner/applicant seeking regular bail in FIR No. 204/2023 registered under Sections 15/25/29 of the NDPS Act at P.S. Crime Branch, Delhi.
2. Learned counsel for the petitioner submits that the applicant is merely a taxi driver and nothing has been recovered at his instance. He submits that the charge-sheet has been filed, but the charges are yet to be framed. It is further submitted that total of 28 witnesses have been cited by the prosecution. He submits that the trial is likely to take a long time. Lastly, it is stated that the applicant is not involved in any other case.
3. Learned APP for the State on the other hand has opposed the bail application by contending that though the applicant claimed to be a driver however he has travelled along with the co-accused to Rajasthan and come back. He further submits that besides the aforesaid, there are also financial transactions with co-accused namely *Imran* and *Sharif*. He further confirms,



on instructions from the IO, that the applicant is not found involved in any other case.

4. At this stage, learned counsel for the applicant states that the applicant has only been paid for his service, being a taxi driver.

5. Without entering into the merits of the contentions and considering the fact that no recovery has been effected at the instance of the present applicant and the fact that the applicant has been roped with the aid of Section 29 of the NDPS Act and also keeping in mind that the trial is yet to begin, this Court is of the considered opinion that parameters of Section 37 of the NDPS Act are met, and accordingly 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.

6. The bail application is disposed of in the above terms.



7. Copy of the order be communicated to the learned Trial Court concerned as well as to the Jail Superintendent electronically for information.
8. Copy of the order be uploaded on the website forthwith.
9. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail application and 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

JULY 11, 2024/rd