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

+ **BAIL APPLN. 1799/2024**

AMARENDRA PANDEY

.....Petitioner

Through: Mr. Mohammad Mustafa, Mr. M.D. Maroof, Mr. Hitesh Shakya, Mr. S.D. Singh, Mr. D.V. Shukla and Mr. S.K. Alam, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with ASI Virender PS Crime Branch, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **25.07.2024**

1. By way of present bail application, the petitioner/applicant seeks regular bail in FIR No. 82/2023 registered under Sections 20/25/29 NDPS Act at Police Station Crime Branch, Delhi.
2. Learned Counsel for the applicant states that the applicant is in custody since 28.08.2023 and there is no recovery effected at his instance. It is further stated that the charge-sheet has already been filed and the case is pending trial and no fruitful purpose would be served to keep the applicant incarcerated. Lastly, it is also stated that the applicant is not involved in any other case.
3. On the other hand, the bail application is opposed by the learned APP for the State. It is contended that though there has been no recovery from the applicant however, there is a transaction of Rs.1 lac between the applicant and the co-accused *Chandan Kumar Sahu*, who has been declared as



proclaimed offender. It is also stated that the money transfer happened 4 days prior from the date of arrest. On an inquiry, he on instructions, from the IO states that there is no CDR connectivity between the applicant and the aforesaid co-accused.

4. Considering the fact that the only material cited against the applicant is of a money transaction and there is neither any recovery from the present applicant nor the other co-accused has been arrested till date and the further fact that the applicant is not found involved in any other case as well as the fact that parameters of Section 37 of the NDPS Act are met and the fact that another co-accused, namely *Arvind Kumar Singh*, who is similarly placed as the present applicant was released on bail vide order dated 30.04.2024 passed by the Coordinate Bench of this in Bail Appln. 186/2024, it is directed that the present 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 this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant 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 25, 2024/rd