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

+ **BAIL APPLN. 1827/2024**

SHIVA

.....Petitioner

Through: Mr. Aditya Aggarwal and Ms. Manvi
Gupta, Advocates.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Utsav Singh Bains, SPP with Mr.
Satendra, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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04.09.2024

1. By way of present application, the petitioner/applicant seeks regular bail in Crime No. VIII/15/DZU/2023 registered under Sections 8/20/29 of NDPS Act, 1985 at P.S. NCB, Delhi.

2. Mr. Aditya Aggarwal, learned counsel appearing for the petitioner/applicant, submits that the present case came to be registered on 10.04.2023 on the basis of secret information, as per which, one parcel allegedly containing narcotics was lying at the office of *VRL Logistics Ltd.*, which was collected by the co-accused, namely *Khalid Khan*. On the same day, *Khalid Khan* was apprehended and from the said parcel, 152.100 Kg of *Ganja* was recovered. *Khalid Khan*, in his statement recorded under Section 67 of the NDPS Act, disclosed that the co-accused, namely *Indal Noniya*, would receive another parcel on the next day at the office of *VRL Logistics Ltd.* at Krishna Nagar. Accordingly, a raid was conducted, wherein the co-accused, *IndalNoniya* and the present applicant were apprehended and 93.280 Kg of *Ganja* was recovered from the said parcel. Learned counsel submits that as per the prosecution case, the present applicant had only accompanied *Indal Noniya*, in whose name the said parcel was lying at the office. He further submits that except with *Indal Noniya*, the applicant had no CDR connectivity with the other co-accused, namely *Khalid Khan* and *Gagan Gaurav @ Munnai Bhai*.



Furthermore, it is submitted that the applicant is not involved in any other similar case. It is also submitted that though 21 witnesses are cited, charges are yet to be framed and that the applicant is in custody since 11.04.2023.

3. The bail application is vehemently opposed by the learned SPP for NCB, who submits that as per the CCTV footage, the present applicant was accompanying *Indal Noniya*, in whose name the parcel was received. Further reliance has been placed on a mobile chat between the present applicant and *Indal Noniya* with respect to helping co-accused *Gagan Gaurav @ Munna Bhai* in his case pending in Vishakhapatnam. Learned SPP has also referred to photographs of *ganja* as well as bank account details of the co-accused, *Gagan Gaurav @ Munna Bhai*, found on the applicant's mobile phone. It is also stated that the applicant is involved in three other criminal cases, however, learned SPP concedes that there is no other case against the present applicant under the NDPS Act.

4. I have heard learned counsel for the parties and perused the material available on record.

5. In the present case, the applicant had merely accompanied the co-accused, *Indal Noniya*, in whose name the said parcel has been received. Further, his name had not even come up in the disclosure statement of the co-accused, *Khalid Khan*. The only material cited against the applicant are the photographs of *ganja*, the mobile chat regarding co-accused *Gagan Gaurav @ Munnai Bhai*'s case in Vishakhapatnam and bank account details of the co-accused, *Gagan Gaurav @ Munna Bhai*, found on the present applicant's mobile phone. Furthermore, there is nothing on record to show any monetary transaction between the present applicant and any of the co-accused.

6. Considering the totality of the facts and circumstances and the further fact that the applicant has been in custody since 11.04.2023 and till date, even charges have not been framed, 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 J.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.
7. The bail application is disposed of in the above terms.
 8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 9. Copy of the order be uploaded on the website forthwith.
 10. 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 the 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.

DASTI

MANOJ KUMAR OHRI, J

SEPTEMBER 4, 2024/akc