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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1837/2024**

TIKA RAM

.....Petitioner

Through: Mr. Manish Sharma, Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amol Sinha, ASC for the State
along with Mr. Ashvini Kumar &
Mr. Kshitiz Garg, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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10.07.2024

1. This petition is filed seeking regular bail in FIR No. 64 / 2024 under Section 21 NDPS Act registered at P.S. Crime Branch.
2. The case of the prosecution is that on 19th March 2024, recovery of 320 gm *heroin* was made from one Khushi Ram; FIR was therefore registered against Khushi Ram after compliance of all mandatory provisions. It is stated that on interrogation, he disclosed that he had procured the contraband from one Kamruddin, resident of Jalalganj, District Bareilly. He further disclosed that he was supplying *heroin* to Tika Ram, petitioner herein, who is a resident of Mehrauli Delhi. During PC remand, accused Khushi Ram identified the petitioner by seeing his photographs in dossier, who was already arrested in FIR No. 225/2018 under Sections 21/25/29 NDPS Act.
3. Counsel for petitioner states that no recovery was made from petitioner at all, besides he has been discharged in FIR No. 225/2018 by order dated 16th April 2019, passed by the Special Judge (NDPS) Saket Courts, South, New Delhi.
4. The case of prosecution rests on CDR calls between Khushi Ram and



petitioner, as mentioned in the status report and that their locations were matching in Garhmukhteshwar on 20th February 2024.

5. Notwithstanding, there is no further evidence which is against petitioner and petitioner is incarcerated purely on disclosure of Khushi Ram, which is inadmissible in light of ***Tofan Singh v. State of Tamil Nadu*** (2021) 4 SCC 1. Reference is also made to the opinion of the Supreme Court in ***Mohd. Muslim v. State*** 2023 SCC Online SC 352 on the standard to be adopted while assessing the materials. In the considered opinion of the Court, therefore, there are reasonable grounds for believing that the petitioner is not guilty of the offence as alleged.

6. Further, regards his previous involvement in NDPS matter being FIR No. 225/2018, petitioner stands discharged. Besides, it is stated in the bail application that the petitioner is suffering from polio and is disabled and runs a small 'kirana' store next to his house. Thus, it would be prudent to believe that he is not likely to commit any offence while on bail.

7. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.



- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner will mark presence physically/virtually before the concerned I.O. fortnightly before the IO on Thursdays at 4pm, and will be not kept waiting for more than an hour.
 - vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses.
8. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
11. *Dasti.*
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 10, 2024/sm