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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1879/2024**
MOHD SHAREEFPetitioner
Through: Mr. Akhil Sharma, Advocate.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Aashneet Singh, APP for State
with SI Hitesh Bhardwaj PS Crima
Branch, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
11.07.2024

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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 contends that though charge-sheet has been filed against the present applicant with the aid of Section 29 of the NDPS Act, however, only 11.870 kg of poppy straw has been shown to be recovered at his instance. He further submits that the recovery from the house is rather against co-accused *Imran* and in this regard he has referred to the statement of landlord, *Gaurav Chauhan*, recorded by the Investigating Officer. He also submits that the applicant is not involved in any other case. Lastly, it is submitted that the charge-sheet has been filed and the trial is yet to begin.
3. Learned APP for the State on the other hand has opposed the bail application by contending that the applicant is found to be regularly connected through CDR with co-accused *Imran* and *Aamir* and there are



multiple transactions of various accounts. It is further submitted that at the instance of the present applicant, co-accused *Aamir* was arrested from his house and another recovery of 21.520 kg of poppy straw has been recovered from the possession of *Aamir*. He however, on instructions from the IO, states that the applicant is not involved in any other case.

4. During the course of submissions learned APP for the State has read the statement of *Gaurav Chauhan*, the landlord, who has stated that it was *Imran* who had taken the premises on rent from where 54.640 kg of poppy straw was recovered. It is further stated that there is no transcript of any conversation.

5. Considering the fact that the recovery from the present applicant is only of 54.640 kg of poppy straw and the fact that he is not found involved in any other case and considering that the charges are yet to be framed, the parameters of Section 37 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