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

+ **BAIL APPLN. 1900/2024**

YUMNAM SUDHIR SINGH

..... Applicant

Through: Mr. Chander Kant Tyagi
and Mr. Ajmal Hussain,
Advs.

versus

STATE (GOVT. OF NCT OF DELHI)

AND ANR

..... Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State with Mr.
Harsh Mor, Ms. Harsha
Garg, Ms. Sukriti Kapoor
and Ms. Perna
Chaudhary, Advs. with SI
Deep Sharma, PS New
Delhi Railway Station.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.05.2024

CRL.M.A. 16698/2024 (*exemption from filing certified copies of the annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present bail application is filed under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC') seeking pre-arrest bail in FIR No. 29/2024 dated 16.04.2024, registered at Police Station New Delhi Rly. Stn., for offence under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985

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(‘NDPS Act’).

4. The FIR was registered pursuant to the recovery of 12.250 Kg *Ganja* from the accused Sanjeev Kumar at New Delhi Railway Station.

5. During interrogation, the accused Sanjeev Kumar disclosed that the bag containing the contraband was provided to him by the applicant at Dimapur Railway Station for the purpose of delivery to one person, namely, Amarjeet, at the New Delhi Railway Station.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case.

7. He submits that he had given certain amount to the accused Sanjeev which was not returned. He submits that the accused Sanjeev has falsely implicated the applicant so that he does not have to return the said amount.

8. The Investigating Officer is present in Court with the Case Diary.

9. I have perused the disclosure statement of the accused Sanjeev Kumar. It has been specifically alleged that the contraband which is 12.250 kg of *Ganja*, was handed over to him by the applicant. Further details have been provided as to how he came in contact with the applicant.

10. During the course of investigation, the accused Sanjeev Kumar has also identified the house of the applicant. The applicant was not found in the house when it was raided.

11. Serious allegations have been made that the applicant is the one who has been supplying the contraband to the accused Sanjeev from whom the recovery has been effectuated.

12. In the present circumstances, this Court is of the opinion



that custodial interrogation of the applicants ought not to be denied to the investigating authority.

13. It is settled law that the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the CrPC [*State v. Anil Sharma : (1997) 7 SCC 187*].

14. The investigation is at a nascent stage and granting anticipatory bail to the applicant would undoubtedly impede further investigation. An order of bail cannot be granted in a routine manner so as to allow the applicant to use the same as a shield. The prosecution needs to be given some play in the joints for the purpose of investigation.

15. Considering the aforesaid discussion, this Court is of the opinion that no case is made out for grant of pre-arrest bail to the applicant.

16. The present application is accordingly dismissed.

17. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

MAY 28, 2024

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