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

+ **BAIL APPLN. 1931/2024**

VIKASH KUMAR

.....Petitioner

Through: **Mr. Sumit Sarna, Advocate.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Amit Ahlawat, APP for the State with
SI Mahesh Kumawat, PS – Bhalswa Dairy,
Delhi.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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01.08.2024

1. This petition has been filed seeking bail in FIR No. 488/2020, PS. Bhalswa Dairy registered under Sections 20 (later converted to Section 15) NDPS Act.
2. Petitioner was initially granted bail on 21.01.2021 by learned Additional Sessions Judge, North, Rohini Courts, Delhi, noting that accused was a young boy of 22-23 years, the sole bread earner of his family and has been in judicial custody since 16.08.2020 for more than five months.
3. Recovery was of intermediate quantity of 28.95 kgs of poppy seeds. Accordingly, petitioner was granted bail, however, pursuant to that petitioner did not appear before Trial Court on subsequent dates and non-bailable warrants were issued. The bail was then cancelled *via* order dated 07.05.2024. The ground which had been stated by petitioner was due to ill health, he could not appear.
4. It is further contended that it was erroneously stated by the State that petitioner



was in custody in Jail No. 3 in FIR No. 488/2020, whereas it was the same FIR in which this petition has been moved; secondly another NBW was received back with the note that he was not residing at the current address. Petitioner states that no one visited his house or tried to call the number which was already provided to the IO to inform him about NBWs, and when he came to know on 11.03.2024 he appeared and filed an application for cancellation which was dismissed and he was taken into custody.

5. It is stated by counsel for petitioner that, petitioner undertakes to appear regularly before Trial Court as and when Trial Court may order, so that the trial proceeds in this matter.

6. Any further delinquency on the part of petitioner will be taken seriously. This opportunity has been given in order for petitioner to co-operate in trial for it to proceed expeditiously.

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 before the concerned I.O. every first and third Friday between 4-5p.m.
 - vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
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.

ANISH DAYAL, J

AUGUST 1, 2024/KD

Click here to check corrigendum, if any