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

+ **BAIL APPLN. 2350/2024**

BHISHAM

.....Petitioner

Through: Mr.Kundan Kumar, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State with
SI Kartar Singh and SI Narendra

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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09.07.2024

CRL.M.A. 19785/2024 and CRL.M.A. 19786/2024 (exemptions)

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

BAIL APPLN. 2350/2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.941/2023 registered under Sections 21/25/29 NDPS Act at P.S. Bhalswa Dairy, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 21.10.2023 and that there has been no recovery at his instance. He further submits that recovery of the substance (*Heroin*) was made at the instance of the co-accused *Reena* and that the applicant is alleged to be the driver of the vehicle in which *Reena* was present. He further submits that the chargesheet has been filed and the trial will take



some time. Lastly, it is submitted that the applicant is not involved in any other case.

3. Learned APP for the State has opposed the bail application. He submits that the applicant was accompanying the co-accused in the vehicle when the recovery was affected. He has handed over a copy of status report, which is taken on record. As per the status report, the applicant is not found to be involved in any other case. It is further stated that a total of 22 witnesses have been cited and that the trial is yet to begin.

4. In view of the facts and circumstances of the case and considering that no recovery has been made at the instance of the applicant and without commenting further on the merits of the case, this Court is of the opinion that the parameters of Section 37 are satisfied. 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.

5. The bail application is disposed of in the above terms.

6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

7. Copy of the order be uploaded on the website forthwith.

8. Needless to state that 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 9, 2024

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