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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2717/2024**

AVDHESH

.....Petitioner

Through: Mr. Vinal Tyagi, Mr. Balaji Pathak
and Mr. Sudhanshu Tyagi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Yogesh Maan, NR-1 Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.09.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 39/2020 registered under Sections 15/25/29 of NDPS Act at P.S. Crime Branch, Delhi.
2. Learned counsel for the applicant submits that applicant's name has figured in the disclosure statement of the co-accused and there is no recovery at his instance. He further submits that applicant came to be arrested on 28.11.2020 and since then he has been languishing in judicial custody. It is also submitted that though the present case pertains to the year 2020, however, the trial is moving at a slow pace as only 5 witnesses have been examined till date out of a total of 24 witnesses. It is further submitted that an earlier bail application of the applicant was permitted to be withdrawn on 02.04.2024. However, since the last five months the prosecution has examined only two more witnesses. Lastly, it is stated that applicant is not involved in any other case.



3. Bail is opposed by learned APP for the State who contends that one co-accused namely *Omkar* was arrested on 04.02.2020 and 560 kgs of poppy straw was recovered from his possession. In his disclosure statement, *Omkar* stated that the seized quantity was obtained from the applicant. It is submitted by the learned APP that there is also CDR connectivity, inasmuch as, there are 191 calls which have been made between the applicant and *Omkar* from December, 2020 till one day prior to the arrest of *Omkar*. Moreover, there are also online financial transactions through which a sum of Rs.73,000/- has been paid to the applicant's wife by said *Omkar*. He however, on instructions, states that there is no recovery at the instance of the present applicant and the charges has been framed under Section 15(c) read with Section 29 of the NDPS Act. He, on instructions, states that applicant is not found to be involved in any other case.

4. The applicant has been in judicial custody since nearly four years. The charge-sheet was filed on 15.07.2020 qua *Omkar* whereafter a supplementary charge-sheet was filed on 03.02.2021 whereby the applicant was charge sheeted. The charges came to be framed on 27.09.2022 and since then only 5 witnesses have been examined. Considering the facts that no recovery has been effected at the instance of the applicant, the period of custody undergone and the stage of trial and further, the fact that applicant is not involved in any other case, this Court deems it fit to release the applicant on regular bail subject to him 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 for information and necessary compliance.

7. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

SEPTEMBER 25, 2024

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