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

+ **BAIL APPLN. 4200/2023**

ANKIT SHARMA @ ANKU @ BHAJJI Petitioner

Through: **Mr. Baldev Singh and Mr. Divyansh
Thakur, Advs.**

Versus

THE STATE NCT OF DELHI Respondent

Through: **Ms. Meenakshi Dahiya, APP for State
with Insp. Kamal Kumar, PS, ISC,
Crime Branch, ND.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

21.03.2024

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1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No.260/2022 under Sections 274/275/276/420/468/471/120B/308/201/34 IPC registered at Police Station Crime Branch, Delhi.

2. The case of the prosecution is that on 08.11.2022, a secret information was received and two raiding teams were constituted on 10.11.2022. The first raiding team intercepted one of the accused, who was transferring the spurious drugs on scooty. Subsequently, the second raiding team raided the rented flat of the co-accused Pabitra Pradhan and from there the petitioner and other co-accused were apprehended and spurious cancer medicines of seven brands were recovered. This led to the registration of the aforesaid



FIR.

3. Subsequently, a raid was conducted at the residence of the present petitioner and one bag of spurious medicines, as well as, an amount of Rs. 1.30 lacs in cash was recovered from his residence.

4. The learned counsel for the petitioner submits that the present petitioner belongs to Himachal Pradesh and he had come to Delhi only in the month of October, 2021 and had taken up job with the co-accused Pabitra Pradhan and was following his directions as an employee and he has no role in the manufacturing or selling of the any spurious drugs.

5. He further submits that the petitioner is in custody since 11.11.2022, the investigation is complete and the charge sheet has been filed, therefore, the custody of the petitioner is no more required.

6. He further submits that the petitioner has clean antecedents and he is a permanent resident of Himachal Pradesh and is not a flight risk, therefore, he urges the Court to enlarge the petitioner on bail.

7. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

8. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

9. It is the case of the prosecution itself that the present petitioner is an employee of the main accused Pabitra Pradhan. It is also not in dispute that the petitioner had taken up job with the main accused Pabitra Pradhan in October 2021 and the present case came to be registered in November 2022, therefore, there seems to be some substance in the contention of the learned counsel for the petitioner that the petitioner was not having knowledge that the main accused Pabitra Pradhan was involved in the manufacturing or sale



of any spurious drugs.

10. The investigation is complete and the charge sheet has been filed, thus, the custody of the petitioner is no more required for the purpose of investigation.

11. On a query posed by the Court, the learned APP, on instructions from the I.O states that the petitioner has clean antecedents. Further, the petitioner is a permanent resident of District Kangra, Himachal Pradesh and he is not a flight risk.

12. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

13. The petition stands disposed of.

14. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

15. Copy of the order be forwarded to the concerned Jail Superintendent



for necessary compliance and information.

16. Order *dasti* under signatures of the Court Master.
17. Order be uploaded on the website of this Court.

MARCH 21, 2024/dss

VIKAS MAHAJAN, J