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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 7/2024 and CRL.M.A. 42/2024

SHASHWAT SHUKLA

..... Petitioner

Through: Mr. T Mohd. Fuzail Khan, Mr.
Ekansh Chaturvedi, Mr. Bibhuti
Krishna and Mohd. Faiz, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Sudhir Kumar.

AND

BAIL APPLN. 103/2024

MOHD. SAIF

..... Petitioner

Through: Mr. Chandrika Prasad Mishra, Ms.
Prasharti and Mr. A. Shukla,
Advocates.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Sudhir Kumar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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21.02.2024

1. By way of above-noted bail applications filed under Section 438



Cr.P.C., the applicants seek anticipatory bail in FIR No. 0274/2023 registered under Sections 20/22/25 of the NDPS Act at P.S. Crime Branch.

2. Learned counsels for the applicants submit that the name of applicant/Shashwat Shukla has surfaced in the disclosure statement of co-accused, namely, Lakshay Bhatia and Khalid Zaffar however, no recovery has been affected from the possession of the said applicant. It is further contended that though the prosecution has relied on the CDR connectivity between the applicants and co-accused persons, however the same does not reflect or point towards the involvement of the applicants in the commission of offence. It is also stated that the applicants are neighbours in Kanpur and as such, the call connectivity between them is not indicative of their involvement in the offence. Lastly, it is submitted that applicants are not involved in any other offence and pursuant to the interim protection granted by this Court, the applicants have joined the investigation and also handed over their mobile phones.

3. Mr. Khanna, learned APP for the State, on the other hand, has vehemently opposed the bail application. He contended that on receiving secret information on 16.11.2023 at about 4:30 pm, co-accused Lakshay Bhatia was apprehended by the police and from his possession, 15 grams of MDMA and 1200 grams of organic ganja were recovered. Insofar as, applicant/Shashwat Shukla is concerned, though he had joined the investigation however he did not cooperate in the same, inasmuch as, it surfaced during investigation that he had used three mobile phones but deposited only one mobile phone that too after formatting the same. For the other two mobile phones, the applicant/Shashwat claimed that the same were stolen. The other applicant/Mohd Saif has also joined the investigation but



he too did not cooperate in the same as he also claimed that his other mobile phones were lost and deposited only one mobile phone after formatting the same that too, without SIM card. The CDR record revealed that applicant/Mohd. Saif had used two i-Phones during the relevant period. One i-Phone, which was deposited by Mohd. Saif, was sent to FSL wherein WhatsApp calls and chats of co-accused Khalid Zafar and others accused persons have been retrieved.

4. I have heard the learned counsels for the parties and perused the material available on record.

5. Present case involves seizure and recovery of commercial quantity of MDMA. As per the investigation, initially co-accused Lakshay Bhatia was arrested and he disclosed that contraband was sourced from one Khalid Zafar, who was also arrested. On his disclosure, the name of the present applicants surfaced. As per the CDR details, total 19 calls have been statedly found between Shashwat Shukla and Khalid Zafar during the relevant period alongwith WhatsApp calls and chats. Shashwat Shukla was also found to be in touch with Mohd. Saif as a total of 82 phone calls were found between them. During the investigation, total transaction of Rs.69,80,356 is found to be carried out in the bank account of Shashwat Shukla in small amounts of less than Rs.10,000/- paid through UPI while he has claimed that his monthly income is Rs.20,370/-. The transactions also include the transaction with co-accused Khalid Zafar. Similarly, the applicant/Mohd. Saif is found to be connected with Khalid Zafar as there are 518 normal calls during the relevant period alongwith WhatsApp calls and chats. He was also found connected with co-accused Shashwat Shukla as there were 82 normal calls between them. There is also one money



transaction of Rs.50,000/- with Khalid Zafar on 06.11.2023 i.e. 10 days before the apprehension of Lakshya Bhatia and the recovery of commercial quantity of MDMA. Both the applicants have handed over only on mobile phone each that too after formatting the same.

6. The case relates to seizure of commercial quantity and is at the initial stage of investigation. All the accused persons are found connected with each other through phone/WhatsApp calls/chats and there are bank transactions, all of which need to be investigated upon, no case of anticipatory bail is made out. Consequently, both the applications are dismissed alongwith miscellaneous applications.

MANOJ KUMAR OHRI, J.

FEBRUARY 21, 2024

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