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

+ BAIL APPLN. 3217/2024

ABDUL WAHID

.....Petitioner

Through: Mr. Vikas Gautam, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State.

+ BAIL APPLN. 3231/2024

NASSER N

.....Petitioner

Through: Mr. Vikas Gautam, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.10.2024

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1. These petitions have been filed seeking regular bail in FIR 16/2024 PS New Delhi Railway Station-lodged under Section 9A/25A/29 NDPS Act. The arrest was on the basis of interception of petitioners at New Delhi Railway Station at Paharganj side on 13th February 2024.

2. The police team, on suspicion two people carrying two bags, intercepted them and found *pseudoephedrine*, a controlled substance, in their bags which was later found to be about 9.152 kg and 9.294 kg respectively.



The same were seized and FIR was registered.

3. Counsel for petitioner points out that persons from whom the seizure was made viz. *Daulat Khan and Mohd. Athiq* had been granted bail by this Court by order dated 12th July, 2024.

4. It is noted in the said order that Section 37 NDPS rigors do not apply since the material seized *pseudoephedrine* with controlled substance is within the meaning of Section 2 (vii) (b) of the Act.

5. Charge-sheet has already been filed. Moreover, the petitioners in question have been arrayed as an accused based on the disclosure by the main accused, who are already on bail.

6. Needless to say, principles enunciated by Supreme Court in *Tofan Singh v. State of Tamil Nadu.*, (2021) 4 SCC 1, will apply.

7. Accordingly, APP for State, however, objected the grant of bail because of the petitioner Abdul Wahid who was found in the CCTV footage of *Geeta Saar Hotel* of Pahar Ganj, Delhi at the night of 12th February, 2024, where he was seen with the other co-accused.

8. Status report, though notes that the premises of the petitioners was raided at Chennai but they were not found there. They disclosed that one Jaguffar @ Jaggu had provided the contraband to them at Karol Bagh and Pahar Ganj.

9. Supplementary charge sheet has also been submitted before the Trial Court on 26th September, 2024.

10. 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 petitioners behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioners. Consequently, the petitioners are directed to be released on bail



on furnishing a personal bond in the sum of Rs. 50,000/- each with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioners will not leave the country without prior permission of the Court.
- ii. Petitioners 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. Petitioners shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioners shall join investigation as and when called by the IO concerned.
- v. Petitioners 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. Petitioners will mark presence virtually/through video call before the concerned I.O. every first and third Thursday of the month at 4 p.m.
- vii. Petitioners 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.

11. 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.

12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 4, 2024/RK

Click here to check corrigendum, if any