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

+ **BAIL APPLN. 3267/2024**

NEKSHU ALIAS NAKSHU

.....Petitioner

Through: Mr. Kush Sharma, Ms. Asiya Khan,
Mr. Nishchaya Nigam, Mr. Vagmi
Singh, Mr. Abdul Vahid and Mr.
Khush Bahar Khan, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Dharmendra PS Pahar Ganj.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.10.2024

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1. This petition has been filed seeking regular bail in FIR No. 192/2024 PS Pahar Ganj under Sections 20/61/85 NDPS Act. The case of the prosecution is that 2 Kg. "*ghass patti*" which the prosecution states that Ganja which was recovered from the petitioner. During course of investigation on 20th March, 2024, he was arrested.
2. Subsequently, as per his disclosure, one Mohd. Zakir was also arrested and 1.2 Kg. *Ganja* was recovered from Zakir.
3. Zakir has since been granted bail by this Court in Bail Application 2061/2024 dated 07th June, 2024.
4. The said quantity is slightly more than the small quantity which is 1 Kg. It is stated that there are no previous involvements. The charge-sheet has already been filed and the matter is listed for framing of charges.



5. Considering that the petitioner does not have any criminal record and there is also a dispute whether the recovered material was “*ghass patti*” and not *ganja* as also the medical report which has been received from the Medical Officer of the Jail, which confirms that the petitioner is a follow-up case of *right leg tropic ulcer* and has been consistently going through treatment including review by the Surgery Department of DDU Hospital. He has been examined by the duty doctor multiple times for which he has been advised appropriate treatment.

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 petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. On humanitarian ground, it is pleaded that a lesser amount of surety be directed, considering the petitioner is from an extremely poor strata of society and is reportedly a tea seller.

6. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner 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. Petitioner shall appear before the Court as and when the matter is taken up for hearing.



- iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner 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. Petitioner 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.
7. 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.
 8. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
 9. Status report has been handed up in Court. The APP for the State shall ensure that the same is placed on record.
 10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
 11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 4, 2024/MK