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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3336/2024 & CRL. MA 27966/2024**
AMIR KHANPetitioner
Through: **Mr. Sourav Bajaj, Advocate.**

versus

STATE OF NCT OF DELHI THROUGH PS CRIME BRANCH
DELHI NEW DELHIRespondent
Through: **Mr. Laksh Khanna, APP for State**
with SI Rajesh Kumar PS NR-I/Crime
Branch, Prashant Vihar, Delhi
(M:9868936947)

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
17.09.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 204/2023 registered under Sections 15/25/29 of NDPS Act, at Police Station Crime Branch, Delhi.
2. Learned counsel for the applicant submits that the present FIR came to be registered against the co-accused persons from whom recovery of poppy straw to the tune of 77.370 kg was made. He further submits that as per the prosecution case, on the disclosure of the co-accused persons, a raid was conducted at the applicant's house in Rajasthan and two sacks of 10.574 kg and 9.944 kg totalling 20.518 kg of poppy straw were allegedly recovered. He contends that the quantity seized from the applicant is only intermediate in nature. Furthermore, it is submitted that till date, only 2 out of 28 witnesses have been examined and the trial is likely to take a long time. Lastly, it is stated that the applicant is not involved in any other case.



3. The bail application is resisted by learned APP for the State, who submits that not only was the aforesaid quantity recovered at the instance of the present applicant, but he was also found to be in touch with the co-accused, especially with *Aarif*, and the CDR details in this regard have also been placed on record. Further, there is also a money transaction of Rs.50,000/- between the applicant and the co-accused, *Mohd. Shareef*. Learned APP, while referring to the reply filed before the Trial Court, a copy of which is annexed with the present bail application, submits that the total quantity seized from all the accused persons is commercial in nature. However, he states, on instructions, that the applicant is not found to be involved in any other case.

4. It is noted that the money transaction between the present applicant and the co-accused *Mohd. Shareef* is dated 05.07.2023 whereas the present applicant was arrested on 22.08.2023. This Court has already granted regular bail to the co-accused, *Mohd. Shareef* vide order dated 11.07.2024 passed in Bail Appln. 1879/2024.

5. Considering the totality of the facts and circumstances, the quantity seized from the applicant and the further fact that he is not found involved in any other case as well as considering the period of custody already undergone by him and the stage of trial, this Court is inclined to entertain the present bail application and it is accordingly directed that the applicant be released 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 J.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.

6. The bail application is disposed of in the above terms.

7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

8. Copy of the order be uploaded on the website forthwith.

9. Needless to state that this Court has not expressed any opinion on the merits of the case and has made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

SEPTEMBER 17, 2024/rd