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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3371/2024

RAVINDER CHAUDHARY

.....Petitioner

Through: Mr. V.K. Garg, Sr. Adv.
with Mr. S.B. Pandey, Mr.
K.S. Rekhi, Mr. Vikram
Singh, Mr. Nishant Jaiswal
& Mr. Parv Garg, Advs.

versus

GOVERNMENT OF NCT OF DELHIRespondent

Through: Mr. Pradeep Gahalot, APP
for the State
ASI Neeraj Kumar, PS-
Crime Branch

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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07.11.2024

CRL.M.A. 28175/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 3371/2024 & CRL.M.A. 28176/2024

3. The present application is filed seeking regular bail in FIR No. 74/2012 dated 23.02.2012, registered at Police Station Crime Branch, for offence under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').
4. The FIR was registered on a secret information that two persons, namely, Shankar and Dilip, would be supplying *Ganja* in a tempo. During the raid, the accused Shankar was arrested and 84 kg 800 grams of *Ganja* was recovered from his possession. It is alleged that during the investigation, co-accused persons— Bhiku Sahani and Dilip Sahani were also arrested.



5. It is relevant to note that the co-accused Bhiku Sahani was arrested on a disclosure statement of the accused Shankar Sahani. It is the case of the prosecution that the co-accused Bhiku Sahani, thereafter, disclosed that the contraband was procured from the applicant. Certain monetary transactions are also alleged to have been carried out between Bhiku Sahani and the applicant.
6. The applicant absconded during the investigation and was declared as Proclaimed Offender. The trial, however, proceeded against other accused persons.
7. The applicant was, thereafter, arrested on 01.06.2024. The chargesheet against the applicant is filed for the offence under Section 29 of the NDPS Act and Section 174A of the Indian Penal Code, 1860 ('IPC').
8. The learned senior counsel for the applicant has taken this Court through the judgment dated 08.07.2014 pursuant to which the co-accused Shankar Sahani was convicted for offence under Section 20 of the NDPS Act whereas the co-accused persons—Bhiku Sahani and Dilip Sahani, were acquitted.
9. The learned Trial Court, while passing order of acquittal of co-accused, noted that the prosecution has not been able to prove its case against co-accused Bhiku Sahani. It was noted that the prosecution also failed to establish that the deposit of money by Bhiku Sahani in the account of the applicant were the sale proceeds of the contraband. It is undisputed that the judgment passed by the learned Trial Court has not been challenged and has attained finality.
10. It is also argued that the applicant, if convicted for offence under Section 174A of the IPC, can only be sentenced for a maximum imprisonment of three years.
11. Considering that Bhiku Sahani, on whose disclosure



statement the applicant is sought to be made an accused, has already been acquitted, this Court is of the opinion that the applicant is entitled for grant of bail.

12. The applicant is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with two sureties of the like amount (one of the sureties shall be the family member of applicant), subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

11. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.



12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

NOVEMBER 7, 2024

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