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

+ **BAIL APPLN. 3733/2024**

**MAHINOOR @ MAYA @SALMA** .....Petitioner

Through: Mr. Faraz Nabi, Adv.

versus

**STATE NCT OF DELHI** .....Respondent

Through: Mr. Amit Ahlawat, APP for the State.  
SI Satnarayan Ancti Narcotic Squad  
South Distt.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

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**14.11.2024**

1. This petition has been filed seeking regular bail in FIR No. 224/2024 PS Govindpuri, New Delhi under Sections 20/29 NDPS Act. The petitioner was arrested on 18<sup>th</sup> April, 2024. As per nominal roll, she has no previous involvement.

2. As per the status report FIR No.2/2018, PS Sarita Vihar under Sections 20/25/29 NDPS Act was registered against petitioner. Petitioner's counsel states that the petitioner has been acquitted in that case, and apart from that, she has no previous involvement.

3. Case of the prosecution rests on seizure from one Kanoon @ Kanno on 13<sup>th</sup> April 2024 of about 23.682 kgs of *ganja*. The said Kanno, aged 65 years, was apprehended by the raiding team, and her home was searched, where she was found in possession of the contraband. Upon interrogation, Kanno disclosed that she indulged in trade of *Ganja* and at her instance, Rs.3,42,740/-, thirteen staplers, three big packets of stapler pins were recovered along with three big packets of small polythene pouches and four



mobile phones. Kanoon further disclosed that she and petitioner were working in equal partnership in said trade. On the basis of her disclosure, petitioner was arrested.

4. As per status report, samples were drawn before the Magistrate under Section 52 NDPS, however, the FSL report is yet awaited.

5. Case of prosecution further rests on CDR analysis as per which both petitioner and Kanno were in constant touch with each other as also petitioner's mobile was allegedly recovered from the house of Kanno.

6. To this, counsel for petitioner submits that petitioner's mobile was recovered from her own house only that too at the time when she was picked up from her house and arrested.

7. Chargesheet has already been filed.

8. In view of decision of Supreme Court in ***Tofan Singh v. State of Tamil Nadu*** 2020 SCC Online SC 882, and other decisions rendered by Coordinate Benches of this Court, the aspect of disclosure being admissible will have to be considered as also validity of evidence placed by prosecution basis the disclosure of Kanno and some CDR connectivity. However, these aspects *prima facie* may not implicate petitioner unless there is further evidence to corroborate the same.

9. In this view of the matter, the Court is of the view that *prima facie* there is no reasonable ground to assess that petitioner is guilty of offence charged with or any apprehension that she will indulge in any such activity/offence while on bail.

10. In view of contentions of parties and considering that petitioner is in custody since April 2024, has no previous involvement she is entitled to bail.

11. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs.50,000/- 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 will mark presence physically before the concerned I.O. every Monday at 4 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

12. Needless to state, 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.

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



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

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

**ANISH DAYAL, J**

**NOVEMBER 14, 2024/sm/tk**