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

+ **BAIL APPLN. 3821/2024**

ABDUL HAMID @ CHHOTEPetitioner

Through: **Mr.Nitin Bansal, Advocate**

versus

STATE (NCT OF DELHI)Respondent

Through: **Mr. Laksh Khanna, APP for State**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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21.10.2024

CRL.M.A. 31687/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 3821/2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.279/2024 registered under Sections 20b-(II) B/25 NDPS Act at P.S. Narela Industrial Area, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in judicial custody since 08.08.2024 and the chargesheet has also been filed.

On merits, it is submitted that no recovery has been effected at the instance of the present applicant who has been arrested only on the basis of the disclosure statement of the co-accused.

3. Learned APP for the State has opposed the bail application. He submits that the applicant was initially declared a proclaimed offender



whereafter he came to be arrested. He submits that there is also CDR connectivity between the applicant and the co-accused *Ravi* from whom 1250 gm. of *ganja* (intermediate quantity) was recovered. It is also stated that the applicant and the co-accused/*Ravi* were in constant touch with each other as is evident from the fact that 119 calls were made between them and the applicant has also been convicted in another case being FIR No.234/2007 registered under section 21 of NDPS Act at PS Narela and there is also another pending case against him being FIR No.373/2022, registered under Section 20-B of NDPS Act at P.S. Narela Industrial Area and while in the former case he stands convicted, the latter case is pending before the Trial Court. The applicant is also stated to be involved in other offences under IPC, the list of which has been enclosed along with the status report which is handed over today in the Court and is taken on record.

4. Insofar as the present case is concerned, the only material against the applicant is the disclosure statement of the co-accused *Ravi* and CDR connectivity with the said co-accused. Concededly, no recovery has been effected at the instance of the applicant.

5. Considering the totality of the facts and circumstances, the rigours of Section 37 of NDPS Act are met in the present case and therefore it is directed that the applicant be released on regular bail subject to his 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 and compliance.
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 have 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

OCTOBER 21, 2024

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