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

+ **BAIL APPLN. 3857/2024**

RAMESH KUMAR SHARMA @ SONUPetitioner

Through: Mr. Rahul Sharma, Mr. Kshitij Goel,
Mr. Avindit Mandal, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Meenakshi Dahiya, APP for State
and Insp. Manjeet Singh, WR-
1/Crime Branch, PS Rajouri Garden,
Delhi.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

27.11.2024

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1. The present bail application has been filed under Section 483 BNSS seeking regular bail in case FIR No. 290/2023 under Section 20(b)(ii)/29 NDPS Act registered at PS Crime Branch.
2. Learned counsel for the petitioner submits that the petitioner was found in possession of 2 kg of Ganja, which falls within the intermediate quantity. It has been submitted that the petitioner has been in custody since December 2023. It has also been submitted that the charge sheet has already been filed and the trial may take a long time; therefore, the petitioner may be admitted to bail.
3. The Learned APP for the State has vehemently opposed the bail application and submits that although only 2 kg of Ganja was recovered



from the possession of the accused, the petitioner is a drug peddler who sells the contraband (Ganja) obtained from the main accused, Harsh Vardhan. The Learned APP further submits that the petitioner was arrested at the instance of Harsh Vardhan. Additionally, the mobile phone recovered from the petitioner had the number 8527729414 active, and evidence of a payment of Rs. 8,43,000/- to accused Harsh Yadav was found. The Learned APP further submits that the mobile phone has already been sent to FSL Rohini for data retrieval, and the result is awaited. It has also been submitted that the petitioner was in constant touch with co-accused Harsh Vardhan through WhatsApp. Given the serious nature of the offense, it is submitted that the petitioner should not be granted bail.

4. It is not disputed that the petitioner was found in possession of 2 kg of Ganja. However, the prosecution has opposed the bail application on the grounds that he has been in constant touch with co-accused Harsh Vardhan and that there are also monetary transactions involved. This Court in ***Deepak Nangiya v. State (NCT of Delhi)***, 2023 SCC OnLine Del 5641, it was inter alia held that disclosure statement of co-accused under Section 67 of the NDPS Act is not admissible per se in view of the decision of the Supreme Court in ***Tofan Singh v. State of Tamil Nadu***, (2021) 4 SCC 1. In ***State of Haryana v. Samarth Kumar***: (Crl.A.1005/2022), it has been observed that the advantage of Tofan Singh (supra) perhaps can only be taken at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.
5. In view of the facts and circumstances, the petitioner is admitted to



regular bail on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount subject to the satisfaction of Ld. Trial Court subject to the verification of address and subject to the following conditions:

- a. the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b. the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c. the petitioner shall report to concerned SHO/IO once in a month;
 - d. the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - e. the Petitioner shall provide his mobile number(s) to the Investigating Officer;
 - f. In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
6. The petition stands disposed of.
 7. A copy of this order be sent to concerned jail superintendent for necessary compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 27, 2024/AR/NA..