



\$~8

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

+ **BAIL APPLN. 3895/2024**

MANAN SAH

.....Petitioner

Through: Ms. Yadavi Malhotra, Mr. Shashwat Kumar, Mr. Aman Alam, Mr. Mohit Tiwari and Mr. Sushrut Sharma, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State with SI Udit Kumar, P.S. Paschim Vihar.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.11.2024

%

CRL.M.A. Nos. 32172-32173/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

BAIL APPLN. 3895/2024

1. This petition has been filed seeking bail in FIR No.02/2024, P.S. Paschim Vihar, under Section 20(ii)(b) of the NDPS Act.
2. As per previous order of this Court dated 4th September, 2024, the petition has been filed for seeking quashing of proclamation of proceedings against the petitioner dated 15th May, 2024. Petitioner has surrendered on 1st October, 2024.
3. The Court, after noting the facts and circumstances of the matter, had given liberty to the petitioner to approach the Trial Court for seeking appropriate remedy against the said proclamation and the said petition has



been dismissed as withdrawn.

4. Subsequently, the Trial Court has passed an order dated 8th October, 2024 dismissing the bail application of the petitioner.

5. The case of the prosecution is that the co-accused, Mr. Raj Kumar was arrested on 31st December, 2023 and was found with 6.47 kgs. of *Ganja*. During investigation he named the petitioner as source of the said contraband.

6. Counsel for petitioner states that he has been implicated solely based on disclosure and the seizure was made from the main accused. The quantity received from the main accused is of intermediate quantity of 6.47 kgs of *ganja*.

7. Moreover, the main accused, Mr. Raj Kumar, has also been granted regular bail *vide* order dated 7th May, 2024 of the Trial Court, and charge-sheet has already been filed.

8. Considering these circumstances, the Court is of the opinion that the petitioner is entitled to bail, considering that the charge-sheet *qua* other accused has been filed, the main accused is on bail and the implication of the accused is merely on disclosure. 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. 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, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
9. Needless to state, but 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.
10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
12. Order *dasti*.
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 4, 2024/DU/tk