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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4069/2024**

MOHD AHMADPetitioner
Through: Mr. Akash Shankar, Advocate.

Versus

THE STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Shoaib Haider, APP for State
with SI Dharmendra, P.S. NR-
1/Crime Branch.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
13.12.2024

1. By way of present bail application, the applicant seeks regular bail in FIR No. 15/2024 registered under Sections 20/25 of the NDPS Act at P.S. Crime Branch, Delhi.

2. Learned counsel for the applicant submits that applicant is in custody since 13.01.2024 and that the prosecution evidence is yet to be begun.

On merits, it is contended that though as per the case of the prosecution, the applicant was apprehended while driving a motorcycle and a sack containing 26 kg of *ganja* was shown to be recovered, however, the applicant is not the owner of the said motorcycle. It is further stated that neither the supplier nor the end user has been identified by the investigating authority. It is also submitted that the I.O. has also not complied with Section 50 of the NDPS and even application for sending the samples for



testing was moved after a considerable delay of more than three months. Moreover, it is submitted that though the prosecution has referred to the CDR connectivity between the applicant and the co-accused, however, the same also does not hold ground as the applicant is the only accused facing trial. Furthermore, there is a discrepancy in the weight of the samples sent and received in the FSL, respectively. Lastly, it is submitted that the prosecution has not made any independent witness and that details of secret informer have also not been disclosed.

3. Ld. APP for the State, on the other hand, opposes the bail by contending that the application for testing the samples was made on the very same day and the present status of the case is that the charges stand framed and the matter is listed for prosecution evidence on 08.01.2025.

4. I have heard the learned counsels for the parties and perused the material placed on record.

5. Present case is a seizure of 26 kg of *ganja* from a sack recovered from the motorcycle. During the course of submissions, it is informed that the motorcycle driven by the applicant was found to be stolen. On a *prima facie* view, as the recovery is not from the 'person', Section 50 of the NDPS is not required to be complied with. Similarly, lack of or absence of any independent witness or details of secret informer would also not dent the prosecution case. Considering that the charges already stand framed and that the matter is now listed for prosecution evidence, I find no ground to admit the applicant on regular bail.

6. Accordingly, the present bail application is dismissed.

7. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a



bearing on the trial of the case.

DECEMBER 13, 2024

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MANOJ KUMAR OHRI, J