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

+ **BAIL APPLN. 4126/2024 and CRL.M.A. 33968/2024**

SANJAY KUMAR SAHA

.....Petitioner

Through: Mr.Madhav Khurana, Mr.Mangaljit,
Mr.Krishna, Mr.Rupender Singh, Mr.Suryansh and
Ms.Riya Arora, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Ankit Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

13.11.2024

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1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.56/2024 registered under Sections 21/29 of NDPS Act at P.S. Special Cell, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 02.03.2024 and the only material cited in the chargesheet against the applicant is the disclosure statement of the co-accused as well as the transcript of the intercepted communications between him and another co-accused, namely, *Mohan Dai*, who is yet to be arrested. He further submits that the prosecution has not established the ownership of the mobile number which is alleged to have been used by the present applicant, as there is neither any CAF nor any mobile phone has been recovered. He submits that the prosecution has cited a total of 26 witnesses. He further submits that



the trial is yet to begin and will take a considerable time as even the charge has not been framed in the present case. Lastly, he submits that the applicant is not involved in any other case.

3. Learned APP for the State has opposed the present bail application. He submits that based on secret information, three co-accused persons were apprehended from whom 15 kgs of *heroin* was seized. In their disclosure statements recorded on 21.02.2024, they disclosed about the involvement of the present applicant being the eventual recipient of the seized contraband. It was also disclosed that the contraband was supplied by one *Mohan Dai* and there are intercepted communications between *Mohan Dai* and the present applicant. He submits that pursuant to the disclosure made, the applicant was arrested from his house. There is also the CDR connectivity between the apprehended co-accused and *Mohan Dai*. It is stated that the voice sample has been taken and the report is still pending. He, on instructions, confirms that the applicant is not found involved in any other case.

4. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. Concededly, there has been no recovery of any contraband at the instance of the present applicant. The only material cited against the present applicant is the intercepted conversations for which no supporting material has been cited to establish the ownership of the mobile. Even otherwise, a bare reading of the transcript of the conversation, which has been placed on record, would show that it uses code words such as ' *Saman & Maal* ' whose interpretation and evidentiary value would be tested in the trial.

5. Considering the facts and circumstances of the case, the stage of the proceedings and the period of custody as well as the fact that no recovery of



contraband was effected at the instance of the present applicant, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty J.M./Link 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 alongwith the pending application.
7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.
8. Copy of the order be uploaded on the website forthwith.
9. Needless to state that 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.

NOVEMBER 13, 2024
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MANOJ KUMAR OHRI, J