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

\+ BAIL APPLN. 412/2025

SAJAN RAHI@ SUNNY .....Applicant

Through: Mr. J.P. Singh, Mr. Upendra Yadav and Mr. Yatin, Advocates.

versus

STATE GOVT NCT OF DELHI .....Respondent

Through: Mr. Akhand Pratap Singh, SPP with Mr. Hritwik Maurya, Advocate. Insp. Rakesh Kumar, PS Special Cell.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

<u>O R D E R</u>

% 03.11.2025

1. The present application is filed seeking regular bail in FIR No. 16/2018 dated 12.02.2018, registered by Special Cell, for the offences under Sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 ('**MCOCA**').

2. The brief facts of the case are that on 23.07.2017, on the basis of a secret information, a raid was conducted and co-accused Rajesh Kumar @ Raje was apprehended and a recovery of 3 Kgs of heroin was made. The same led to the registration of FIR No. 51/2017 at Police Station Special Cell under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**'). During the course of the investigation, co-accused Rajesh Kumar @ Raje disclosed that he used to supply heroin to the co-accused Deepak (the applicant's brother) and Neeraj @ Sunil in Delhi. He further disclosed about the involvement of the co-accused Babu.

3. It is alleged that the co-accused Deepak is the kingpin of

the syndicate. The co-accused Deepak was arrested on 24.07.2017 and a recovery of 2 kg heroin was made. Thereafter, co-accused Neeraj @ Suni was also arrested on 24.07.2017 and a recovery of 100 grams of heroin was made. Co-accused Babu was apprehended from his rented accommodation on 24.10.2017 and 200g of Heroin was recovered at his instance. The association of the applicant was allegedly disclosed by the arrested accused persons.

4. It is the case of the prosecution that the criminal profile of co-accused Deepak indicates that he has indulged in committing various offences, particularly drug trafficking, in association with the other accused persons. It is alleged that the financial investigations carried out thus far reveal that the accused persons have accumulated huge wealth from the sale proceeds of narcotic drugs. During investigation, it was found that the co-accused Deepak had purchased several properties, vehicles and other things by paying huge amounts in cash, however, he had no legitimate source of income.

5. The applicant was arrested in the present case after a gap of around four years on 12.12.2022. It is alleged that due to the active support and protection by the applicant, main accused Deepak engaged in illegal activities in the area of Jwala Nagar, Shahdara and amassed huge money

6. The learned counsel for the applicant submits that he has been recently engaged in the present matter. He stresses that the applicant is entitled to bail on the ground of parity as some of the co-accused persons have already been granted bail. He submits that the applicant has spent more than two and a half years in custody, despite which, only 11 out of 100 witnesses have been

examined till now.

7. The learned Special Public Prosecutor for the State opposes the present application and submits that the applicant is a habitual offender and he had also evaded arrest for four years, due to which, he ought not to be granted bail.

8. In the opinion of this Court, even though the petitioner has spent more than two and a half years in custody, however, the antecedents of the applicant do not entitle him of any relief.

9. The status report mentions that prior to registration of subject FIR, the applicant was involved in 16 more cases. Even after registration of present FIR and before his arrest, the applicant was found to be involved in another 7 cases. One of the FIRs was registered for attacking the police officials.

10. The fact that the applicant evaded arrest and absconded for around four years cannot be brushed off and taken lightly. Although the antecedents of an accused as well as the gravity of the alleged offence cannot be sole considerations for denial of bail, the antecedents of the applicant show that he is a habitual offender and a threat to the society.

11. It is asserted that the applicant is on bail in the other cases, however, the conduct of the applicant in absconding and committing offences whilst he was absconding does not entitle him to grant of any relief. There is substantial doubt that if the applicant is released on bail, he may commit other offences and even evade trial.

12. This Court, while considering the application for grant of bail, cannot be divorced from the fact that while individual liberty holds immense significance, the same ought to be weighed with the societal repercussions.

13. Insofar as the aspect of period of incarceration is concerned, this Court has already requested the learned Trial Court to expedite the recording of evidence and conclude the trial.

14. While it is mentioned by the counsel for the applicant that he has been recently engaged, however, considering the status report, this Court does not find it apposite to keep the present bail application pending.

15. The bail application is dismissed in the aforesaid terms.

16. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

NOVEMBER 3, 2025/*DU*