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

+ **BAIL APPLN. 937/2025**

MOHD ASLAM

.....Petitioner

Through: Mr. Shaun-ul-Islam, Adv.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Ajeet, ANS SED

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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23.04.2025

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 520/2024, registered at Police Station Kalindi Kunj, Delhi for the offences punishable under Sections 20/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'NDPS Act').
2. Briefly stated, facts of the present case are that on 04.12.2024, the Anti-Narcotics Squad, South East District, had received a secret information that two persons, Pradeep Sarkar and Mohd. Aslam i.e. the present accused/applicant, who had been involved in the supply of illegal Ganja and could be in Madanpur Khadar area in an auto bearing registration number UP16MT4206. Subsequently, a raiding team had reached the said location and with the help of the secret informer, identified the said auto and apprehended two persons one who was driving the said auto and one person



sitting behind, who had identified themselves as Mohd. Aslam @ Sonu and Pradeep Sarkar respectively. Thereafter, at the instance of Pradeep Sarkar, a plastic katta was recovered, which had 6 packets, containing to contain grass like flower leaves and dry twigs which appeared to be Ganja, and weighed 11.9 kgs. It is alleged that the accused persons were supplying the said contraband which was provided to them by a person named Sumit, who lived in the same locality, Sumit had been procuring the contraband from one Bhola @ Salman. It is further alleged that the accused persons were to be paid Rs. 3,000/- for each delivery made on 04.12.2024. Based on the aforesaid incidents, the present FIR was registered.

3. The learned counsel appearing for the applicant has argued that the present accused/applicant has been falsely implicated in this case and he has no connection with the alleged offence, as he only happened to be the driver of the said auto. He further argues that Section 37 of NDPS Act is not attracted in the present case as the quantity of the contraband recovered is not commercial quantity. It is submitted that the investigation in the matter has already been completed and the charge sheet has been filed; therefore, no useful purpose would be served by prolonged incarceration of the accused/applicant as he has been in custody since 04.12.2024. Accordingly, it is prayed that he be granted regular bail.

4. On the other hand, the learned APP for the State vehemently opposes the present bail application and submits that the allegations against the present accused/applicant are of serious and grave nature. It is submitted that charges are yet to be framed in the present case and if the applicant is released on bail, he may abscond or repeat the offence. It is further submitted that CDR of the present applicant and the co-accused reveals that he and co-accused



Pradeep were in constant touch with each other, and even on the date of the alleged offence, they were in contact with each other. On these grounds, it is prayed that the present application for bail be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

6. In the present case, this Court notes that the present applicant and co-accused Pradeep were apprehended with 11.9 kgs of contraband while they were allegedly going to supply it. In this regard, the FSL report has opined that “On Physical, Microscopic Chemical and TLC examination, exhibits ‘A1/S1’, ‘A2/S1’, ‘A3/S1’, ‘A4/S1’, ‘A5/S1’, & ‘A6/S1’ were found to be Ganja (Cannabis).

7. Further, the investigation shows that there is CDR connectivity between the present applicant and co-accused persons since a long time as well as on the date of the alleged offence i.e 04.12.2024. Thus, at this stage, it cannot be ascertained whether he was just the driver of the said vehicle and has no connection with the alleged offence.

8. This Court is of the view that merely because the contraband recovered is not of commercial quantity, the same cannot be made a ground for grant of bail, especially at this stage, when charges against the present accused/applicant have not yet been framed.

9. Considering the overall facts and circumstances of the case, and the fact that the applicant was apprehended at the spot and FSL report as well as CDR analysis, supports the case of the prosecution, this Court finds no ground to grant bail to the applicant at this stage.

10. Accordingly, the present bail application is dismissed.

11. It is, however, clarified that nothing expressed hereinabove shall



tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

APRIL 23, 2025/ns

DR. SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any