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

\+ BAIL APPLN. 1112/2025

JUBAIR @ SONU .....Petitioner

Through: Mohd. Yusuf, Advocate.

versus

THE GOVT OF NCT OF DELHI .....Respondent

Through: Mr. Mukesh Kumar, APP.
SI Omkar Singh Tyagi, P.S. Kamla Market.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **19.08.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (formerly Section 439 of the Code of Criminal Procedure, 1973[2]) seeks regular bail in proceedings arising from FIR No. 319/2024 dated 8th August, 2024, registered under Sections 179/180/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023[3] at P.S. Kamla Market. The Applicant has been arrayed as an accused in the present FIR and also charge-sheeted for offences under Sections 179/180/61(2)/3(5) of BNS. The Applicant's application for regular bail was earlier dismissed the Special Judge (NDPS-01) (Central), Tis Hazari, Delhi *vide* order dated 7th February, 2025.

2. In brief, the case of the prosecution is as follows:

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[1] "BNSS"
[2] "Cr.P.C

2.1. The instant case was registered on 8th August, 2024, wherein a raiding team of the Delhi Police, acting on secret information, apprehended co-accused Mohsin and Fazil at Kamla Market, Delhi and recovered Fake Indian Currency Notes[4] worth INR 3,98,990/- in denominations of INR 100/- from their possession.

2.2. During interrogation, the co-accused persons disclosed that the consignment was procured from the Applicant for delivery to Sameer and Azhar, and that they had earlier supplied several consignments on his directions. Accordingly, the present FIR No. 319/2024 was registered under Sections 179/180/61(2)/3(5) of BNS.

2.3. On further inquiry, the co-accused Fazil disclosed that the Applicant had been engaged in the printing and supply of FICN for a considerable period and had also been previously implicated in cases related to FICN and under Narcotic Drugs and Psychotropic Substances Act, 1985. Acting on this information, efforts were made to apprehend the Petitioner, but without success. Subsequently, on 10th October, 2024, the Applicant voluntarily surrendered before the Special Staff, Kamla Market, Delhi. On interrogation, he admitted to printing FICN with the assistance of his associates, namely Sameer, Chhote, Parshuram, Areeb, and Imran, and at his instance, an HP Ink Tank 319 printer along with other stationery items used for printing were recovered from Ghaziabad. Chargesheet against the Petitioner and other co-accused persons was filed on 5th November, 2024 under Sections 179/180/61(2)/3(5) of BNS.

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[3] "BNS"
[4] "FICN"

2.4. The seized FICN and printer were sent to Forensic Science Laboratory,[5] Rohini for expert opinion, and the findings were placed before the Court through a supplementary chargesheet, which has been duly taken on record. The report notes that since the printer was non-functional, it could not be determined whether it was used for or capable of printing the recovered fake currency notes.

3. Counsel for Applicant submits that he has been falsely implicated in the present case and submits the following submissions in support of his request:

3.1. There has been no recovery of the alleged FICN from the possession of the Applicant. The Applicant has been implicated solely on the basis of disclosure statement made by the co-accused, namely Mohsin and Faizal.

3.2. The only recovery attributed to the Applicant is a printer, which on forensic examination was found to be non-functional, and the FSL has not opined that the recovered fake currency notes were printed using it. In the absence of such nexus, the Applicant's implication in the alleged offence becomes doubtful, entitling him to bail.

3.3. The Applicant has been in judicial custody since 8th October, 2024, and his further incarceration would serve no useful purpose.

3.4. The alleged recovery from the Applicant rests solely on police witnesses, with no independent or public witness joined, and no explanation has been offered for such omission, thereby casting doubt on the prosecution case.

3.5. The Petitioner is ready to abide by any such condition which this Court may imposed while enlarging him on liberty of regular bail.

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[5] "FSL"

4. *Per contra,* Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application and submits the following:

4.1. The Applicant is an active and key member of a syndicate engaged in printing, supply, and circulation of FICN. He is a habitual offender, with as many as 16 cases pending against him, including cases of FICN.

4.2. As per the disclosure statements of co-accused Fazil and Mohsin, they had repeatedly procured consignments of FICN from the Applicant, who has been a consistent and long-standing supplier in this racket. This clearly establishes his central role in the syndicate.

4.3. Several associates of the Applicant are still absconding, and efforts are ongoing to apprehend them. If the Applicant is released on bail at this stage, there is a high likelihood that he may facilitate their evasion and frustrate the process of investigation.

4.4. There is an apprehension that the Applicant may influence or intimidate witnesses thereby obstructing the course of justice.

4.5. The nature of the offence is grave, as the circulation of FICN poses a direct threat to national security and the Indian economy. The menace of fake currency can also be used to finance illegal activities, including terrorism. The release of the Applicant on bail would, therefore, have serious adverse implications.

4.6. There are chances that, if released, the Applicant will abscond and evade judicial proceedings, while also instigating his associates to do the same.

5. The Court has considered the aforenoted facts and contentions. As per the Nominal Roll dated 21st April, 2025, the Applicant has been in custody for 6 months and 14 days. It is also noted that the overall jail conduct and

the Applicant's jail conduct for the last one year is satisfactory.

6. Coming to the merits of the case, it is seen that the Prosecution's case against the Applicant, primarily rests upon a disclosure statement of the co-accused Fazil and Mohsin, which itself did not lead to the recovery of any FICN. The only recovery attributed to the Applicant is a printer allegedly used for printing the FICN, which was subsequently sent for forensic examination. The supplementary charge-sheet records the FSL opinion on the said printer in the following terms:

> *II. It has not been possible to opine whether the fake currency notes are printed with the printer marked as PR1 or whether the printer is capable of printing fake currency notes due to non-working condition of the printer provided.*

7. In view of the above, since the forensic report does not affirm the capability of the recovered printer to generate counterfeit currency, and considering that the probative value of such evidence can only be finally assessed during trial, the balance at this stage tilts in favour of granting bail to the Applicant.

8. As regards the Applicant's implication in other criminal cases, it is pertinent to note that the Supreme Court in ***Prabhakar Tewari v. State of U.P.***,[6] has held that the mere pendency of multiple criminal cases against an accused cannot, by itself, be a valid ground for denial of bail. The Court is presently concerned only with a *prima facie* assessment based on the material collected by the prosecution in this case alone. If the Applicant is found guilty in the other pending matters, the law will duly take its course therein.

9. Additionally, the apprehensions expressed by the State regarding the

possibility of the Applicant absconding or tampering with witnesses can be sufficiently addressed through the imposition of stringent conditions.

10. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.[7] Therefore, having regard to the aforenoted facts and legal principles, the Court is inclined to enlarged the Applicant on bail.

11. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

d. The Applicant shall appear before the Trial Court as and when directed;

e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

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[6] (2020) 11 SCC 648.

[7] See also: ***Sanjay Chandra v. CBI***, (2012) 1 SCC 40; ***Satender Kumar Antil v. Central Bureau of***

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

g. The Applicant shall report to the concerned PS on first Friday of every month;

12. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. 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.

14. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

AUGUST 19, 2025
as

Investigation, (2022) 10 SCC 51.