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

+ **BAIL APPLN. 1817/2025**

SUMIT GURUNG

.....Petitioner

Through: Mr. Krishan Agarwal, Mr. Sourabh Dahiya, Ms. A. Singh and Mr. Shaurya Lamba, Advs.

versus

STATE OF N.C.T. OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP with SI Vikas Kumar, Spl. Cell East Distt.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

13.08.2025

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1. This is an application for grant of regular bail filed on behalf of the petitioner in case FIR no. 112/2025 under Sections 20/25/29 of the NDPS Act, registered at PS Mayar Vihar Ph-1.
2. The Ld. Counsel for the petitioner submits that the allegations *qua* the petitioner are completely false and baseless and that he is innocent and has been falsely implicated in the present case. It is further submitted that co-accused Aman from whose possession there is a recovery of 11kgs of *ganja* has since been granted bail by the Trial Court today. He further submits that petitioner is in custody since 22.03.2025 and is not required for further investigation and on the ground of parity, he is also entitled for grant of bail.
3. The bail application is opposed by Ld. APP arguing that there is recovery of 8 grams of *ganja* from the possession of the present petitioner



and investigation has revealed that petitioner was dealing with co-accused persons for the past several months. Petitioner was having CDR connectivity with co-accused Chirag Jain inasmuch as accused Chirag Jain made 180 calls prior to his arrest. He further submits that petitioner is having multiple bank transactions with co-accused Aman and Chirag. The investigation reveals that Aman made payments into the accounts of the petitioner and his mother to the tune of Rs. 19,000/- for the payment of *ganja*. It was also discovered during investigation that co-accused Chirag Jain also made payment of Rs. 24,500/- from the account of his sister and maternal uncle into the account of the petitioner for purchasing *ganja*. It is thus argued that petitioner is part of the racket of drug peddlers involved in supply of contrabands. It is argued that allegations *qua* the present petitioner are grave and serious in nature and therefore, he is not entitled for the grant of bail.

4. As per allegations, co-accused Aman and Chirag were apprehended on suspicion and from the white colour sack recovered from their possession, 11.09 Kgs of *ganja* was recovered. Upon interrogation, co-accused Chirag disclosed that he procured the *ganja* from the present petitioner Sumit and has been supplying it in the areas and colleges of Delhi/NCR.

5. The petitioner was apprehended at the instance of co-accused Chirag Jain and at the instance of the petitioner, 8 grams of *ganja* was recovered from his possession.

6. Prosecution is relying on the evidence of the CDR and bank transactions regarding transfer of money into the account of the petitioner. In the case of **Azad Vs. State of GNCT of Delhi** [2023 SCC OnLine Delhi 1769], it has been held that- “*CDR data can only be taken as supporting or*



*corroborative piece of evidence and conviction cannot be made solely on the basis of CDR data”. Thus, the evidentiary value of the CDRs can only be considered during the trial and not at the stage of consideration of bail application. Similarly, in the case of **State (By NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta** [2022 12 SCC 633] the Hon’ble Supreme Court held that- “*The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial.*”*

7. Admittedly, there is no recorded conversation between the petitioner and the co-accused and the CDR only reflects that petitioner and the co-accused were in contact with each other.

8. Prosecution is also relying on the evidence of transaction of money from the account of Aman and from the relatives of Chirag Jain to the account of the petitioner which is alleged to be payment for purchase of *ganja*. The question as to whether such money was transferred for the purchase of *ganja* is to be tested during the trial.

9. The recovery from the present petitioner is stated to be only 8 grams of *ganja* which falls in the category of small quantity. The rigors of Section 37 of NDPS Act, therefore, shall not apply in the present case. The co-accused Aman from whose possession there is alleged recovery of 11 Kgs of *ganja* has since been enlarged on bail by the Trial Court. The petitioner has been in custody since 22.03.2025. The investigation is complete and chargesheet has since been filed. The petitioner is therefore not required for any further investigation.

10. Hence keeping in view, the entire facts and circumstances, in the light of submissions made, the petitioner is admitted to bail subject to his



furnishing a personal bond for the sum of Rs. 20,000/- with a surety of like amount to the satisfaction of the Ld. Trial Court with condition that he shall co-operate during the trial and shall not try to contact the prosecution witnesses and shall share his mobile number with the investigating officer and shall always keep the mobile operational and shall also furnish his present and permanent address before the Ld. Trial Court.

11. Application accordingly stands disposed of.

12. It is clarified that nothing stated in this order shall tantamount as an expression to the merits of the case.

RAVINDER DUDEJA, J

AUGUST 13, 2025/lks/na