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

+ **BAIL APPLN. 3268/2024**

SOYEB @ MANGLA

.....Petitioner

Through: Mr. Shan-ul-Islam, Advocate.
versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with SI Nagendra Kumar, P.S. Anti
Narcotics Squad, South East, New
Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

14.01.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 read with Section 528 of the BNSS seeks regular bail in case FIR No. 181/2023, under Sections 20/61/85 of the NDPS Act, registered at P.S. Hazrat Nizamuddin.
3. The case of the prosecution as per status report dated 09.10.2024, authored by Insp. Vishnu Dutt, Inspector, Anti Narcotics Cell, South-East, Delhi is as under:

“1- That on the 19th of June 2023, based on secret information, a raiding team from PS- Hazrat Nizamuddin, led by ASI Premraj No. 1806/SE, conducted an operation near Barapulla, New Delhi. During this operation, present petitioner Soyeb @ Mangla was apprehended in possession of 1100 gms Ganja. Soyeb, aged 27 years, was identified and all necessary procedures under the NDPS Act were followed. A case FIR No. 181/2023 dt: 19.06.2023 u/s 20 NDPS Act was registered at PS Hazrat Nizamuddin .

2- Subsequently, on 6th July 2023, accused/present petitioner Soyeb @ Mangla stated before the Hon'ble Court about procuring



Ganja from a lady named Reena, who operates near Kabadi Shop in front of Shiv Mandir at Barapulla Road Mandi. Efforts to arrest Reena were made over five months, resulting in a Non-Bailable Warrant obtained from the Court. Despite attempts to execute it, she remained absconded almost five months. ASI A. Rahman filed the main charge sheet against the accused Soyeb @ Mangla.

3- That, after significant efforts, Reena was finally arrested on 23rd November 2023 and produced before the Hon'ble Court by the officials of PS- Hazrat Nizamuddin.

4- That during the police custody remand, on 25th November 2023, Reena disclosed that she used to buy Ganja from an individual near the railway line, who told her as a GRP official. The Court, on 25-11-23, ordered that senior police officials should consider investigating the matter with an agency other than the officials of PS- Hazrat Nizamuddin. Following this, on 28th November 2023, she was sent to judicial custody for three days by IO/ ASI A Rahman, PS- Hazrat Nizamuddin.

5- That in compliance with the order dated 25.11.2023 of Hon'ble Court the case file was transferred to the Anti Narcotics Cell, South East, under the directive of the DCP /South East. SI Nagendra Kumar was entrusted with the further investigation of this case.

6- That, during the investigation, Reena was taken on police custody remand for five days and thoroughly interrogated. She revealed that she used to procure illegal contraband Ganja from one Yoonis @ Yunus residing in Barapulla for several years. There was found connectivity over mobile phone between accused Reena and Yoonis @ Yunus. Yoonis @ Yunus was subsequently traced and arrested. He disclosed his involvement in this illegal trade and further stated that he purchased Ganja from a GRP official. Both Reena and Yoonis @ Yunus identified the GRP official as Sunil through his Facebook profile. His photographs were seized in this case.

7-That, subsequently, Sunil was examined, and he stated that he had been transferred from Hazrat Nizamuddin Railway Station to 3rd Bn almost two years before. He denied the allegations made by Reena and Yoonis @ Yunus, asserting that they are falsely implicating him. During further investigation, no CDR connectivity was found between Sunil and Reena or Yoonis.

8- That, It was revealed from the investigation that Reena used to buy Ganjha from one Yoonis @ Yunus and she further sold it to present petitioner Soyeb @ Mangla.



9- That, Accused Soyeb @ Mangla is a notorious bad character of PS- Sunlight Colony and he remains previously involve in 11 cases of hurt, Arms act and robbery. Previous involvement report is attached herewith for kind perusal as annexure 'A'. He has not any permanent address in Delhi. If he granted bail, he may jump the bail and he may flee from the criminal justice system and he may involve in this illegal trade future also. Total 1100 gm Ganjha was recovered from his possession and he has confessed before the court about his crime.

10- That, co-accused Reena and Yoonis @ Yunus have been granted bail from the Hon'ble High Court of Delhi, but present petitioner / accused Soyeb @ Mangla has not parity with the co-accused persons Reena and Yoonis @ Yunus as no recovery was affected from Reena and Yoonis @ Yunus.”

4. Learned counsel appearing on behalf of the applicant submits that the latter has been falsely implicated in the present case and the recovery is with respect to only 1100 gms. of *ganja*, which is an intermediate in nature. It is submitted that the chargesheet has been filed and the matter is pending trial. The applicant has been in judicial custody since 20.06.2023.
5. *Per contra*, learned APP for the State submits that the applicant has previous involvements in 3 other FIRs.
6. Heard learned counsel for the parties and perused the record.
7. The contraband recovered in the present case is 1100 gms. of *ganja*, which is an intermediate quantity. On a pointed query from the Investigating Officer, it is submitted that the other FIRs related to the present applicant are not under NDPS Act. As per the nominal roll dated 06.11.2024, the applicant has been in judicial custody since 20.06.2023 and has already undergone incarceration for approximately a period of 1 year and 6 months. Chargesheet has been filed in the present case and the trial is likely to take a long period.
8. In totality of the facts and circumstances, the application is allowed.



The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
9. The application is allowed and disposed of accordingly.
10. Pending application(s), if any, also stands disposed of.
11. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of adjudication of the present bail application.
12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JANUARY 14, 2025/bsr

Click here to check corrigendum, if any