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

+ **BAIL APPLN. 3309/2025**

MOTI LAL JANGID

.....Petitioner

Through: Mr. Mohit Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for State
with ASI Mukesh Kumar, ANTF Crime Branch.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

03.11.2025

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1. The present petition has been filed by petitioner seeking regular bail in connection with FIR no. 232/2024, under Section 20/25/29 of NDPS Act, registered at PS-Crime Branch.
2. The case of the prosecution, in brief, is that on 20.11.2024, SI Amrendra along with his team from ANTF, Crime Branch received a secret information from an informant that one Mohd. Jameel, resident of Nihal Vihar, would arrive at Majnu Ka Tilla with large quantity of Charas. Thereafter, a raiding team was constituted and raid was conducted at Hotel Jamyang, Majnu Ka Tilla. Accused Mohd. Jameel was apprehended with a black polythene bag containing five ziplock pouches of suspected Charas, which upon field testing and FSL examination was found to be Charas, weighing net 1192 grams.
3. The accused Mohd. Jameel disclosed that he had procured the



contraband from Prem Thapa, who was arrested from Room no. 13 of the hotel, but no recovery was made from him.

4. It is the case of the prosecution that Prem Thapa had disclosed the name of Ganga, who was also arrested and recovery of 712 gm of Charas was made from her and 13.766 kg of Charas was recovered from her house. Ganga had disclosed the name of co-accused Manjeet, who in turn disclosed the name of present petitioner on 21.03.2025.

5. Mr. Mohit Yadav, learned counsel appearing on behalf of the petitioner submits that the incriminating material pressed against the present petitioner is the disclosure statement of Manjeet and the Call Detail Records (CDRs). He submits that insofar as the call detail records are concerned, there is only one call between the petitioner and Manjeet and that too on 14.01.2025.

6. He further contends that the co-accused Prem Thapa and Pradeep Kumar have already been granted bail. He submits that the case of the petitioner is similar to that of the co-accused Pradeep Kumar inasmuch as he was also arrested on the basis of disclosure statement of Prem Thapa and no recovery was made from him. Further, there is one previous involvement of Pradeep Kumar as well.

7. To buttress his contention, he has invited attention of the Court to the order dated 09.07.2025 passed by the learned Special Judge (NDPS)-02, Central District, Tis Hazari Court, Delhi to show that the co-accused Pradeep Kumar has already been admitted to bail. He further contends that the even co-accused Ankit, who is also similarly situated as present petitioner, has been granted bail by this Court.

8. *Per contra*, Ms. Richa Dhawan, learned APP for State submits that



insofar as the co-accused Ankit is concerned, he does not have any previous involvement. However, on a query posed by the Court as regards the involvement of Pradeep Kumar, she fairly concedes that there is one previous involvement of Pradeep Kumar.

9. Having heard the learned counsel for parties, this Court finds that as per the case of the prosecution no contraband has been recovered from petitioner. The petitioner has been implicated only on the basis of disclosure statement of co-accused Manjeet. It is also not in dispute that the incriminating material in the form of CDR only refers to one call between co-accused Manjeet and the petitioner. In any case, the CDRs are not substantive piece of evidence and can only be used for corroboration.

10. Since, there is no recovery of contraband from the petitioner or at his instance, the applicability of Section 37 of NDPS is debatable. Insofar as the two previous involvement of the petitioner is concerned, the submission of learned counsel for the petitioner is that the petitioner has been convicted in those cases and has already completed his sentence.

11. In view of the aforesaid discussion and regard being had to the fact that co-accused Pradeep Kumar, who is similarly situated as the present petitioner, has been enlarged on bail, this Court is of the view that petitioner has made out a case for grant of regular bail.

12. Accordingly, petitioner is admitted to regular bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

(a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.



- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - (c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.
13. It is clarified that the observations made hereinabove are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.
14. The petition is disposed of in the above terms.
15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
16. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 3, 2025/jg