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

+ **BAIL APPLN. 4398/2024**

**PRITAM**

.....Petitioner

Through: Mr. Rakesh Chahar, Mr. Bhupesh  
Rana, Mr. Sartaj and Mr. Mayank  
Mathur, Advocates

versus

**STATE NCT OF DELHI**

.....Respondent

Through: Mr. Laksh Khanna, APP for the  
State  
SI Sudhir Kumar, ANTF, Crime  
Branch, Delhi

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **15.01.2025**

1. The present bail application has been filed seeking regular bail in FIR No. 180/2024 dated 09.09.2024 registered at P.S Crime Branch, Delhi under Sections 20, 25, and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. The case of the prosecution is that by secret information it was informed that a person namely Dharmender Shah, who is a co-accused has been indulging in supply of contraband i.e. *Ganja* in Delhi NCR and he will come in a car to supply contraband between 4 pm to 5 pm on 09.09.2024. Therefore, as per the information received, a raiding team was deployed and at 4:25 PM, a Taxi [which belonged to the Applicant herein bearing registration no. HR-58D-3186] came and stopped near the



Nursery situated close to Electric Crematorium near Vijay Ghat. It is stated that the co-accused Dharmender Shah got down from the back seat of the said Taxi and was walking towards ISBT, Kashmere Gate; however, upon realizing the presence of police, he quickly moved back towards the Taxi. And, upon this the co-accused Dharmender Shah and applicant/accused were apprehended and apprised about the secret information received by the police.

2.1. It is stated that thereafter, Notices under Section 50 of NDPS Act were served upon both of them.

2.2. It is stated that a personal search was conducted on the applicant/accused and no narcotics substance was found on his person.

2.3. It is stated that a personal search was conducted on the co-accused Dharmender Shah and similarly no narcotics substance was found on his person. However, during the search of the Taxi, Dharmender Shah produced 02 bags and 01 polythene. It is stated that upon opening the polythene, 04 bundles wrapped with Khakhi colored tape were found. It is stated that all the four bundles were opened with a cutter and dark brown colored leafy substance was found; by its smell and physical appearance, the substance was suspected to be a *ganja*, which was confirmed by the visiting FSL team.

2.4. It is stated that total weight of the recovered contraband is 22.287 kg of *ganja*, which is commercial in nature.

2.5. It is stated that in these facts, written report was prepared; seized parcels and carbon copy of seizure memo were sent to PS Crime Branch, Pushp Vihar, Delhi for the compliance of Section 55 of NDPS Act and an FIR No.180/2024 was registered; and investigation ensued.



2.6. It is stated that the Applicant herein was arrested and produced before the Court and on the next date i.e., 10.09.2024 and sent to Judicial Custody.

2.7. It is stated that five days Police Custody ('PC') remand of accused Dharmender Shah was obtained, who disclosed that he was working along with one Ajay in trafficking of this contraband. He further disclosed that the source of the contraband was one Munna, a resident of Noida. It is stated that Ajay was arrested on 11.09.2024 and Munna has been arrested on 07.10.2024. It is stated that one Neeraj Kumar alias Golu was arrested on 14.09.2024 and the contraband was intended to be supplied to the said Neeraj Kumar alias Golu and Ajay.

3. Learned APP for the State opposes the regular bail application of the Applicant. He states that the Applicant herein has been accused of being indulged in the offence of contraband supply. He states that contraband to the tune of 22.287 Kg *ganja* which is commercial in nature was recovered with from the vehicle (Taxi) owned by the applicant, though under the control and possession of the co-accused Dharmender Shah. He further states that the connection of the Applicant with the co-accused i.e. Dharmender Shah is established from the 32 + 03 mobile calls exchanged between them and therefore the knowledge of the applicant with respect to the contents of the packages being carried by Dharmender Shah.

3.1. He states that the investigation qua the applicant's role and involvement in the contraband supply network between Delhi and Noida is still in progress.



3.2. He states that if the bail is granted, the applicant, may again indulge in the supply of Narcotics.

4. In reply, learned counsel for the applicant/accused states that the applicant was arrested on 10.09.2024 and has been in judicial custody since then. He states that admittedly no contraband has been recovered from the possession of the applicant, who is merely a taxi driver; and co-accused Dharmender Shah booked the taxi of the applicant for his travel. He states that the applicant has nothing to do with the alleged offence as the packages belonged to co-accused Dharmender Shah.

4.1. He states that the calls between the applicant/accused and co-accused Dharmender Shah is in normal course as the co-accused used to hire the taxi in normal course.

4.2. He states that the Call Detail Records (CDR) connectivity and its implications can be evaluated, at the time of trial. He further states that completion of trial will take some time and the applicant has been in custody for period of 3 months and 27 days, therefore, pleads for bail.

4.3. He states that the applicant has clean antecedents and has no prior offence booked against him. He states that the applicant had no knowledge about the contents of the packages belonging to the co-accused.

4.4. He further states that the applicant's prayer for bail is not barred by Section 37 of NDPS Act, since the contraband substance was not recovered from the possession of the applicant/accused.

4.5. He states that the Applicant has earlier as well filed a bail application before the Special Judge, NDPS, Tis Hazari, Delhi and the same was dismissed by the said Court vide order dated 19.11.2024.



5. This Court has considered the submission of the parties.
6. A perusal of the status report shows that it is the case of the prosecution that it was the co-accused Dharmender Shah, who after procuring the contraband from co-accused Munna, was trafficking the same for supplying it to the co-accused Ajay and Neeraj alias Golu. The status report shows that the prosecution had not sought any police custody of the applicant/accused upon his arrest on 10.09.2024 and the applicant was right sent away to judicial custody.
7. Admittedly, no recovery has been made from the applicant/accused. In these facts, the submission of the applicant that he had no knowledge of the contents of the package being carried by the passenger i.e., co-accused Dharmender Shah appears to be credible and thus, the applicant has made out a prima facie case for grant of bail.
8. It is also matter of record that there is no prior case pending against the applicant; he is a resident of Delhi and has roots in Delhi. The investigating officer has submitted that his residential address stands verified.
9. Thus, considering the overall facts, this Court is of the opinion that the applicant ought to be enlarged on bail. The applicant is, therefore, admitted to regular bail in FIR No.180/2024 of P.S Crime Branch, Delhi and is directed to be released on furnishing a personal bond in the sum of Rs. 25,000/- with one (1) surety of the like amount subject to the satisfaction of the learned Trial Court and subject to the following conditions:
  - (i) Applicant will not leave the country without prior



permission of the Trial Court.

(ii) Applicant shall provide his permanent address to the Trial Court, which will be verified by the concerned IO. Additionally, the Applicant shall intimate the said Court and to the IO by way of an affidavit regarding any change in residential address.

(iii) Applicant shall appear before the Trial Court as and when the matter is taken up for hearing.

(iv) Applicant shall join investigation as and when called by the IO concerned.

(v) Applicant shall provide all mobile numbers to the IO concerned, which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.

(vi) Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses.

(vii) The Applicant will not tamper with the evidence of the case.

(viii) The Applicant will physically mark his presence before the concerned I.O. at P.S. ANTF Crime Branch once in two weeks.

The Applicant will mark presence on the 01<sup>st</sup> and 03<sup>rd</sup> Monday of every month at 02:00 PM; and the concerned I.O is directed to release him by 02:30 PM after recording his presence and completion of all formalities.

10. In the event of there being any FIR/DD-entry/Complaint lodged against the Applicant during the period of bail, it would be open to the



State to seek redressal by filing an application seeking cancellation of delay.

11. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

**MANMEET PRITAM SINGH ARORA, J**  
**JANUARY 15, 2025/hp/ms**

*Click here to check corrigendum, if any*