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

+ **BAIL APPLN. 4543/2024**

NEERAJ KUMAR @ GOLU

.....Petitioner

Through: **Mr. Ankaj Giri, Advocate**

versus

THE STATE(NCT OF DELHI)

.....Respondent

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

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.01.2025

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 20/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. The case of the prosecution is that based on secret information, Crime Branch, Delhi, conducted a raid on 09.09.2024 near Vijay Ghat, Delhi. During the raid, accused-Dharmender Shah along with a Taxi Driver, accused-Pritam, were apprehended. It is stated that a personal search of accused-Dharmender Shah and accused-Pritam was conducted but nothing was found on them.

2.1 However, during the search of the Taxi, accused-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 *Ganja*, which was confirmed by the visiting FSL team. It is stated that total weight of the recovered contraband from accused-Dharmender Shah is 22.287 kg of *Ganja*.

2.2 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 FIR No.180/2024 was registered; and investigation ensued.

2.3 Both accused-Dharmender Shah and the Taxi driver, accused-Pritam were arrested. During the interrogation, accused-Dharmender Shah allegedly revealed that the contraband *Ganja* was intended to be supplied to the Applicant/Neeraj alias Golu and another co-accused-Ajay.

2.4 It is stated that at the instance of the accused-Dharmender Shah, raids were conducted to trace the Applicant/Neeraj alias Golu. And, on 14.09.2024, the Applicant/Neeraj alias Golu was arrested and 664 grams of *Ganja* was recovered from his possession.

3. Learned Counsel for the Applicant/Neeraj alias Golu states that the investigation is complete qua the present Applicant and the Applicant is no more required for any investigation purposes.

3.1. He states that the alleged recovery from the Applicant is of 664 grams of *Ganja*, which is a small quantity and therefore, the stringent conditions of Section 37 of NDPS Act are not applicable to the case of the Applicant.

3.2. He states that the recovery from the co-accused-Dharmender Shah cannot be clubbed with the recovery from the present Applicant.



3.3. He states that the Applicant herein was arrested on 14.09.2024 and is in Judicial Custody (JC) since 15.09.2024. 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.

3.4. He states that though the Applicant was arrested; however, Applicant's name is not mentioned in the present FIR and charge-sheet has not been filed till date.

3.5 He relies upon the order of a Coordinate Bench dated 29.11.2024 in BAIL APPLN. 3976/2024 titled **Ajay vs. The State (N.C.T. of Delhi)**, where in similar circumstances bail has been granted to the co-accused-Ajay therein. He states that the role prescribed to co-accused-Ajay is larger than the Applicant herein.

3.6 He states that the Applicant has no other criminal case pending against him and he has roots in the society; and therefore, there is no likelihood of the Applicant absconding or the offence being repeated.

4. Learned APP for the State opposes the regular bail application of the Applicant. He states that the Applicant herein has been accused of indulging in the offence of contraband supply. He states that investigation of the case qua the Applicant's role is still in progress. He states that 664 grams of *Ganja* was recovered from the possession of the Applicant. He further states that the connection of the Applicant with the co-accused i.e., Dharmender Shah is established from four (4) calls exchanged between both of them as well as WhatsApp calls. He states that if the bail is granted, the Applicant, may again indulge in the supply of Narcotics.

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 allegedly procuring the contraband from co-accused, Munna, was trafficking the same for supplying it to the co-accused-Ajay and Applicant/co-accused-Neeraj alias Golu. The status report shows that the prosecution had not sought any police custody of the Applicant/accused upon his arrest on 14.09.2024 and the Applicant was right sent away to JC.

7. The status report states that samples have been sent to FSL, Rohini, Delhi and result of the FSL is still awaited.

8. The quantity of *Ganja* recovered from the Applicant is admittedly small (664 grams) and therefore the rigors of Section 37 NDPS Act do not apply. It is also matter of record that there is no prior case pending against the Applicant; who is a resident of Delhi and has roots in Delhi.

9. In light of the above facts, and since the trial in the matter is likely to take some time, and it would not be prudent to keep the Applicant/co-accused-Neeraj alias Golu behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the Applicant.

10. Thus, considering the overall facts, this Court is of the opinion that the Applicant/Neeraj alias Golu ought to be enlarged on bail. The Applicant is, therefore, admitted to regular bail in FIR No.180/2024 dated 09.09.2024, registered with P.S. Crime Branch, Delhi for offences under Sections 20/25/29 of NDPS Act 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, DELHI once in two (2) weeks. The Applicant will mark presence on the 01st and 03rd Tuesday 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.



11. 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.
12. 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.
13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
14. Accordingly, this bail application is disposed of. Pending applications (if any) are disposed of as infructuous.
15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, 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 16, 2025/mt/MG