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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2003/2024

GAGAN GAURAV MUNNA

.....Petitioner

Through: Mr. Aditya Aggarwal and Ms. Manvi Gupta, Advs.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Utsav Singh Bains, SPP with Mr. Satendra, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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04.09.2024

1. By way of present application, the petitioner/applicant seeks regular bail in Crime No. VIII/15/DZU/2023 registered under Sections 8/20/29 of NDPS Act, 1985 at P.S. NCB, Delhi.

2. Mr. Aditya Aggarwal, learned counsel appearing for the petitioner/applicant, submits that the present case came to be registered on 10.04.2023 on the basis of secret information, as per which, one parcel allegedly containing narcotics was lying at the office of *VRL Logistics Ltd.*, which was collected by the co-accused, namely *Khalid Khan*. On the same day, *Khalid Khan* was apprehended and from the said parcel, 152.100 Kg of *Ganja* was recovered. *Khalid Khan*, in his statement recorded under Section 67 of the NDPS Act, disclosed that the co-accused, namely *IndalNoniya*, would receive another parcel on the next day at the office of *VRL Logistics Ltd.* at Krishna Nagar. Accordingly, a raid was conducted, wherein the co-accused, namely *IndalNoniya* and *Shiva*, were apprehended and 93.280 Kg of *Ganja* was recovered from the said parcel. Learned counsel submits that there has been no recovery at the instance of the present applicant and that he has been named only in the disclosure of the co-accused, *Khalid Khan*. It is also submitted that though 21 witnesses are cited, charges are yet to be framed and that the applicant



is in custody since 21.08.2023.

3. The bail application is vehemently opposed by learned SPP for the NCB, who submits that though there was no recovery at the instance of the present applicant, there were various financial transactions between the co-accused *Khalid Khan* and the applicant, just before the apprehension of the parcel from the said co-accused, as well as transactions between the applicant and co-accused *Indal Noniya*. It is contended that the present applicant is the supplier of contraband in this matter and that he used to supply *ganja* from Vishakhapatnam. Learned SPP also submits that the applicant is involved in another case of a similar nature under the NDPS Act, however, concedes that he is already released on bail in the said case.

4. I have heard learned counsel for the parties and perused the material available on record.

5. In the present case, the applicant was arrested on the disclosure statement of the co-accused, *Khalid Khan*, while being arrested in another case involving NDPS Act, registered at Vishakhapatnam. Apparently, there is no recovery from the present applicant. Further, the applicant is in custody since 21.08.2023 and till date, charges have not been framed. It is also not disputed that the applicant has already been released on bail in the prior case registered under the NDPS Act, at Vishakhapatnam.

6. Considering the totality of the facts and circumstances, the period of custody and the further fact that no recovery was made at the instance of the present applicant, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.



- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
 - iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
7. The bail application is disposed of in the above terms.
8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
9. Copy of the order be uploaded on the website forthwith.
10. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to the present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

DASTI

MANOJ KUMAR OHRI, J

SEPTEMBER 4, 2024

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