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

+ **BAIL APPLN. 2626/2023**

NASIR

..... Petitioner

Through: **Mr. Aditya Aggarwal and Ms. Kajol Garg, Advocates.**

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: **Mr. Sanjeev Bhandari, ASC with Mr. Kunal Mittal and Mr. Arjit Sharma, Advocates with SI Akshay, PS Shaheen Bagh**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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15.09.2023

1. The present petition is filed under section 439 Cr.P.C. for grant of regular bail particularly on behalf of the petitioner/Nasir in FIR bearing no.0168/2023 registered under sections 20/29/61/85 NDPS Act, 1985 at P.S. Shaheen Bagh.
2. The counsel for the petitioner stated that the petitioner is in judicial custody since 24.05.2023 and the charge sheet has already been filed after conclusion of investigation. It is further argued that as per the FIR, nothing was recovered from the possession of the petitioner and the co-accused Sharif in whose alleged possession the contra band/Ganja of 3.974 kg was recovered which is an intermediate quantity. In these circumstances, the counsel for the petitioner prayed for the grant of regular bail.
3. The Additional Standing Counsel appearing on behalf of the



respondent/State stated that the petitioner was apprehended on 24.05.2023 along with the co-accused Sharif who was carrying Ganja weighing 3.974 kg in a bag. The petitioner was sitting together with the co-accused Sharif who was found in possession of Ganja weighing 3.974 kg. The Additional Standing Counsel for the respondent/State also referred the order dated 20.07.2023 passed in bail application bearing no. 1538/2022 by the Court of Ms. Arul Varma, ASJ-04, Special Judge (NDPS), South East District, Saket Court, Delhi whereby the bail application filed by the petitioner was ordered to be dismissed. In the light of these facts, the Additional Standing Counsel appearing on behalf of the respondent/State stated that the bail application be dismissed.

4. The perusal of the order dated 20.07.2023 reflects that the bail application was dismissed primarily on the ground that the investigation has not been concluded and the efforts are still being made to trace the supplier namely Ajay.

5. It is reflecting from the FIR and other material collected during the investigation that nothing was recovered from the possession of the petitioner/Nasir and the co-accused Sharif was allegedly found in the possession of Ganja weighing 3.974 kg which is an intermediate quantity. The investigation has already been completed and the charge sheet is already placed before the trial court. The petitioner is stated to be in judicial custody since 24.05.2023.

6. After considering all facts, the petitioner/applicant is admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of the concerned trial court subject to the following terms:-



- i) That the petitioner/applicant shall not temper with the evidence or extend any threat to the witnesses;
 - ii) The petitioner/applicant shall provide his present/current address to the Investigating Officer and shall appear before the court regularly unless and until his appearance is exempted by the concerned trial court.
 - iii) The petitioner/applicant shall provide his mobile phone number to the concerned Investigating Officer immediately after release which shall be kept in working condition at all times. The petitioner is also directed to mark his presence before the concerned police station on every 2nd and 4th Saturday of each English calendar month till his requirement is dispensed with by the trial court.
7. Copy of this order be sent to the trial court for information and compliance and be given *Dasti* to the petitioner.
8. The bail application along with pending applications, if any, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 15, 2023

Sk/ak