

Bail Application
IA 10 SC 511/2024
State Vs. Raja Bihari @ Jairam@Raja@Nand Lal
FIR no. 26/2024
PS Crime Branch
U/s 29 NDPS Act

28.02.2026

This is the 2nd application U/s 483 BNSS, 2023 seeking grant of bail to the applicant/ accused.

Present: Sh. K.P. Singh, Ld. Addl. PP for State.
Mr. Pramod Kumar, Ld. Counsel for
applicant/accused.
IO SI Rohit in person (through VC).

Reply to the bail application is filed. Copy supplied.

Arguments heard.

Ld. Counsel for the applicant/ accused submits that the applicant/ accused has been falsely implicated in the present case and nothing has been recovered from the possession or at the instance of applicant/accused. He further submits that the applicant/accused was arrested on 13.08.2024 and thereafter he is in JC. According to him, the investigation is already complete and the charge-sheet has already been filed. He further argued that there is no incriminating admissible evidence against applicant/accused except 722 calls between applicant/accused and co-accused Chanderkala. According to him, the disclosure statements of applicant/accused and co-accused persons are not admissible. He further argued that only on the basis of CDR connectivity, the applicant/accused cannot be held guilty for the recovery, recovered from other accused persons.

In view of the abovesaid, he requests to admit the applicant/accused on bail.

In support of his submissions, he has relied upon the

judgment titled as **Sumit Fagna Vs. The State of NCT Delhi & Anr., Bail Appln. 4193/2023 decided on 23.04.2024 by Hon'ble Delhi High Court.**

Per contra, Ld. Addl. PP for the state as well as IO have vehemently opposed the bail application arguing that on 04.02.2024 on secret information, co-accused Chanderkala and her son Virender were arrested and 400 gram of Heroin i.e. commercial quantity, was recovered from their possession. They further submit that the name of applicant/accused emerged in the disclosure statement of accused Chanderkala as the receiver. According to them, the accused Chanderkala used to sell Heroin by making pudia. They further submit that there are 722 calls between applicant/accused and co-accused Chanderkala which shows the link between applicant/accused and accused Chanderkala. According to them, as per Section 29 NDPS Act, Section 37 NDPS Act is also applicable upon the applicant/accused and the applicant/accused is supposed to satisfy the twin conditions as provided U/s 37 NDPS Act.

They further submit that the applicant/accused is involved in other case under Excise Act. They further submit the previous bail application of applicant/accused was dismissed by Ld. Sessions Court before framing of the charge. According to them, there is no change of circumstances after framing of charge. They further submit that during police custody remand, the applicant/accused pointed out the house of accused Chanderkala. Therefore, they request to dismiss the bail application.

In rebuttal, Ld. Counsel for applicant/accused submits that after dismissal of previous bail application, the

charge has been framed and some of the witnesses have already been examined. He further submits that there is no monetary transaction between applicant/accused and other accused persons. He further submits that there is no voice recording or transcription of alleged calls between applicant/accused and co-accused Chanderkala.

Submissions considered. Record perused.

Considering the fact that nothing was recovered from the possession or at the instance of applicant/accused. Further, the applicant/accused is in JC from considerable period and considering the case laws relied upon by Ld. Counsel for applicant/accused, the applicant/accused **Raja Bihari @ Jairam @ Raja @ Nand Lal** is also admitted to bail on furnishing personal bond in the sum of Rs. 35,000/- with one surety in the like amount and subject to condition that :-

- (i) That applicant/ accused shall not, directly or indirectly, make any inducement, threat or promise to the complainant or any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (ii) That applicant/ accused shall upon his release provide his mobile number to the IO/ SHO and keep his such mobile 'Switch On' at all times.
- (iii) That applicant/ accused shall intimate to the IO/ SHO about any change in his mobile number or address;
- (iv) The applicant/ accused will not influence the witnesses nor tamper with any evidence;
- (v) That applicant/ accused shall not leave the country without permission of the Court;
- (vi) That applicant/ accused shall appear on each and every date of hearing before the Court.

Application stands **disposed of** accordingly.

The observations made on the merits of the case are

purely for the purposes of deciding the present bail application and shall not be construed as expression upon the merits of the case.

Copy of the order be given dasti to the IO as well as to the Ld. Counsel for applicant/ accused and be communicated to the applicant/ accused through Jail Superintendent for information.

(Virender Singh)
Special Judge, NDPS,
Central,THC, Delhi/28.02.2026