

Bail Matters
State of Delhi Vs. Fagnuram & Ors.
FIR No. 35/2024
PS Crime Branch
U/s 20/29 NDPS Act

04.09.2025

Present: Sh. K.P. Singh, Ld. Addl. PP for the State.
Sh. Hasim Alam, Ld. counsel for the applicant/accused.
IO absent.

However, reply to bail application is filed. Copy supplied.

Arguments heard.

Ld. counsel for applicant/accused submits that applicant/accused along with co-accused Rajeev Vinod Khosla were arrested and 828 grams charas was allegedly recovered from the possession of applicant/accused and 322 grams charas was recovered from the possession of co-accused. He further submits that co-accused Rajeev Vinod Khosla had already been admitted to bail vide order dated 17.07.2025 and a copy of the said order has been annexed with the present bail application. He further submits that the quantity recovered from co-accused cannot be clubbed with quantity recovered from the applicant/accused.

Reliance is placed upon Anita Vs. State of NCT of Delhi, passed by Hon'ble Delhi High Court.

He further submits that investigation is already complete and charge sheet has already been filed but the charge is yet to be framed. He further submits that the police had not joined any independent witnesses and also did not videograph or photograph the incident of recovery. Therefore, he requests to admit the applicant/accused to bail.

Per contra, Ld. Addl. PP for the State and IO (by way of reply) have vehemently opposed the bail application. Ld. Addl. PP for

the State submits that commercial quantity of charas was recovered in the present case. He further submits that the witnesses had seen that the applicant/accused had handed over some contraband to co-accused Rajeev Vinod Khosla. Thus, according to him, the charas was in the possession of the applicant/accused was of commercial quantity. Therefore, Section 37 NDPS Act is applicable.

Reliance is placed upon Avdesh Kumar Vs. State of NCT of Delhi.

He further submits that there is CDR connectivity between the applicant/accused and co-accused and the co-accused Rajeev Vinod Khosla had transferred Rs.2,40,000/- in the account of applicant/accused.

He further submits that the applicant/accused is habitual offender and there are two other cases of NDPS Act against him. Therefore, considering the overall facts and circumstances of the case, the applicant/accused is not entitled to bail on the ground of parity and he has failed to satisfy the twin conditions laid down in Section 37 NDPS Act.

In rebuttal, Ld. counsel for applicant/accused submits that the contentions raised by Ld. Addl. PP for the State have already been dealt with by Hon'ble Delhi High Court while deciding the bail application of the accused.

Submissions considered. Record perused.

As per the record, 828 grams of charas was recovered from the possession of the applicant/accused and 323 grams of charas was recovered from the possession of co-accused Rajeev Vinod Khosla. Ld. counsel for the applicant/accused had filed on record a copy of bail order of co-accused Rajeev Vinod Khosla dated 17.07.2025. The contentions raised by Ld. Addl. PP for the State have already been dealt

with by Hon'ble Delhi High Court in the said bail order. The quantity recovered from the possession of the applicant/accused is also intermediate quantity. Thus, considering the overall facts and circumstances of the case, the applicant/accused is admitted to bail on the ground of parity, on furnishing a bail bond in the sum of Rs.30,000/- with one surety of the like amount, subject to the following conditions :-

(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.

The 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 this order be given dasti to the IO, Ld. Counsel for the applicant/accused and be communicated to the applicant/accused through Jail Superintendent for information.

(Virender Singh)
Special Judge, NDPS-02,
Central, THC, Delhi/04.09.2025