

IA in SC No. 06/2022
State Vs. Manjeet Singh
FIR No. 172/2021
U/s 21/25/29, NDPS Act, 1985
PS Special Cell

07.07.2025

ORDER

1. Vide this order I shall dispose off the bail application u/s 483 BNSS, 2023 moved on behalf of accused/applicant Manjeet Singh for grant of regular bail. Reply filed by the IO.

2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that accused/applicant is in JC since 17.07.2021. The applicant/accused has been falsely implicated in the present case and there is no recovery of any contraband effected from his possession or at his instance. The name of the applicant/accused came up in the alleged statements of the co-accused persons u/s 67 of the Act and no incriminating material was recovered through the applicant/accused, even after the recording of the said disclosure statements.

4. It is submitted by Ld. Counsel for applicant/accused that there is no money trail established by the prosecution and there are no CDRs to bring on record his complicity with the other co-

accused persons. As per the version of the prosecution, the applicant/accused was merely the loader of the contraband into the vehicles on which the illegal substances were ferried and delivered to different parts of the country, at the behest of the co-accused persons. Furthermore, there is also an allegation of him taking godown premises on rent, where the contraband was stored and that the rent of the said premises was paid by the co-accused persons. However, there was not even an ounce of recovery made from the said godowns allegedly taken by him on the rent and keeping aside the contraband, no other document evidencing incriminating the applicant/accused was recovered by the officials of the Special Cell or DRI. Therefore, the entire case against him is based upon the disclosure statements and the same without any recovery is inconsequential, being inadmissible in law. In support the Ld. Counsel has relied upon the decision of the Hon'ble Apex Court in "***Tofan Singh Vs State of Tamil Nadu***" (2021) 4 SCC 1.

5. It is submitted by Ld. Counsel for applicant/accused that formal charges against the applicant/accused were framed only on 13.01.2025, i.e., after expiry of over 3 ½ years from the date of his arrest. The trial is not going to be concluded any time soon and therefore, continued incarceration of the applicant/accused is neither justified nor warranted.

6. It has been submitted by the Ld. counsel for the applicant/accused that the applicant/accused is ready to abide with any condition that this court may impose upon him. The Ld. Counsel has also relied upon the decision of the Hon'ble Delhi

High Court in “*Phundreimayum Yas Khan Vs Stae (GNCTD)*”,
Bail Application No. 1383/2022, date of decision 11.01.2023.

7. Per contra, it is submitted by the Ld. Addl. PP for the State duly assisted by the IO that the applicant/accused is involved in a case of criminal conspiracy and he had taken the godowns on rent to facilitate the storage of the illicit drugs, where he along with his uncle Hardev Singh used to load and unload the contrabands from into the vehicles belonging to other co-accused persons namely Gurjot Singh and Gurpreet Singh. If released on bail, the applicant/accused may revert back to his previous ways and start the illicit drug trafficking once again. He may also pose a flight risk and his presence would become difficult to secure during the trial. He may also threaten and influence material public witnesses, especially Jitender Shivhare and Gopal Shivhare, who are residents of the same place where the applicant/accused resides and are the persons from whom he had taken the godowns from which the illicit trade was being run, on rent. Therefore, the State is strongly opposing the present application.

8. After considering the rival contention of the parties, considering the facts & circumstances of the present case, even though there is no recovery of illicit contraband from the possession of the applicant/accused or at his instance, it is not the end of the matter. It is not the case of the prosecution that the applicant/accused was found in possession of the illicit contraband, his involvement is on the basis of being involved in the larger conspiracy and his part in facilitating the nefarious

activities of the illegal drug trade. However, to establish the said criminal conspiracy, the prosecution is relying upon the disclosure statements of co-accused persons namely Lovejeet Singh @ Labba, Navpreet Singh @ Nav, Gurjot and Gurpreet. The prosecution is also relying upon the identification of the applicant/accused Ramandeep Singh, who was himself in police custody at that time. The said identification also does not have any value in the eyes of the law. There are the alleged statements of independent public witnesses linking him to the premises (godowns) from where the illicit articles were allegedly stored moved to its destination, however, there is no recovery of any illicit contraband from the said godowns, therefore the said evidence is also only circumstantial in nature. There is no incriminating evidence of any monetary transactions between the applicant/accused and other co-accused persons and there is no CDR or Cell Location ID chart etc. to link him with the offence in question and the entire case is based upon circumstantial evidence. Therefore, the decision of the Hon'ble Delhi High Court in *Phundreimayum Yas Khan (Supra)* is squarely covering the facts and circumstances of the present case, as there is no recovery of commercial quantity of the contraband from the applicant/accused, or at his instance or behest or from his premises (owned or rented), therefore, the bar of Section 37 of the Act would not come into picture as there are more than strong probable circumstances that he may not be guilty of the offence he is charged with, and merely because the applicant/accused is the native of the same place, where few of the witnesses reside does not in itself gives rise to a strong suspicion of him trying to influence them, if released on bail. Therefore, in the considered

opinion of this court, the present applicant/accused has made out his case for grant of regular bail to him. **Hence, the applicant/accused Manjeet Singh is admitted to regular bail on following conditions :-**

(i) On furnishing of personal bond of **Rs. 50,000/- with two local sureties** of the like amount, to the satisfaction of this Court.

(ii) He shall not leave the country without the permission of this Court and he shall deposit his passport with this Court (if not already done).

(iii) He shall not try to tamper the evidence or hamper the trial or try to influence the remaining witnesses, in any manner and shall not indulge in any act or omission that would prejudice the proceedings in the present case, in any manner whatsoever.

(iv) He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the SHO concerned and this Court (no later than 3 days of the said change).

(v) He shall attend the trial without any single default.

(vi) He shall mark his attendance with the local PS on every first Monday of the Calendar Month, till the trial is pending.

9. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.

10. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Manjeet Singh for grant of regular bail is accordingly disposed of as allowed.

11. Needless to say, that nothing expressed herein shall have any effect on the merits of the case.

12. Copy of this order be sent to Jail Superintendent, Tihar/Mandoli Jail for necessary intimation to the applicant/accused.

13. Application is disposed off accordingly.

14. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ/SPECIAL JUDGE (NDPS)/
PHC/NEW DELHI/07.07.2025