

IA 6/25 in SC No. 80/2025
FIR No. 426/24
PS Special Cell
State Vs. Nabin Ranabhat

19.08.2025

Present: Sh. K D Pachauri, Ld. Additional PP for the State.
Sh. Meghan, Ld. Counsel for
applicant/accused.

Vide my separate order of even date, the present
application is allowed and disposed off accordingly.

Copy of the order be given dasti to parties.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/ND
19.08.2025

IA 08/25 in SC No. 132/2024
FIR No. 259/23
PS Special Cell
State Vs. Nabin Ranabhat

19.08.2025

ORDER

1. Vide this order, I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused/applicant Nabin Ranabhat 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, in which similar relief has been sought.

3. It is submitted by Ld. Counsel for applicant/accused that accused/applicant was arrested on 13.09.2024, after the alleged secret information was received by the officials of the PS Special Cell. The raid was conducted qua the co-accused Mamita Lama, as she was allegedly dealing with the contraband along with one person. The name of the applicant/accused was not mentioned by the secret informer. The raid was conducted on the house of the

applicant/accused and although he was not present in the said house at that time, he was falsely implicated merely because co-accused Mamita Lama is his wife.

4. It is submitted by the Ld. Counsel for the applicant/accused that as per the case of the prosecution, when the raid was conducted, the applicant/accused was hiding behind a drum on the stairs and he was evading the arrest. There are no independent witnesses who were made to join the investigation. There is no videography or photography of the alleged search and seizure.

5. It is submitted by the Ld. Counsel for the applicant/accused that there is no CDR/Messages/Whatsapp text to link the applicant/accused with the recoveries in question. The prosecution has no other incriminating material to link the recovery of 7kg charas (commercial quantity) allegedly recovered from the house of the applicant/accused, except for his relationship with the co-accused and that he was residing in the said house. He was not present in the house at the time of search and seizure and there is nothing to show that he was in conscious possession of the recovered contraband.

6. It is submitted by the Ld. Counsel for the applicant/accused that in the present case there has been non-

compliance of mandatory provision, i.e Section 52 of the NDPS Act, since grounds of arrest were never supplied to the applicant/accused by the IO. Only arrest memo was prepared, which is not containing any grounds of arrest.

7. It is submitted by the Ld. Counsel for the applicant/accused that he is ready to abide with any condition that this Court may impose upon him if the bail is granted. The Ld. Counsel is placed reliance on the decision of Hon'ble High Court of Bombay at Goa in '*Jyoti Madukar Naik Vs. State*', 2023 SCC OnLine Bomb 549.

8. Per contra, it is submitted by the Ld. Addl. PP for the State that there is a recovery of commercial quantity of the contraband from the house of the applicant/accused and the wife of the applicant/accused was found in the said house and the secret informer had already informed about the involvement of applicant/accused and his wife. The co-accused disclosed that her husband, i.e, applicant/accused was delivering her the charas. FSL report has come out positive for the contraband. The charge sheet has been filed and the trial is underway. The applicant/accused is a Nepali resident and if released on bail, he may abscond. Therefore, the State is strongly opposing the present application.

9. After considering the rival contention of the parties, considering the facts & circumstances of the present case, the contra-band which was allegedly recovered during the raid is not specifically attributed to the applicant/accused. As per the case of the prosecution, it is not a case of joint recovery from all the accused persons. At the time of the alleged recovery, the applicant/accused was not present in the house from where the recoveries were affected. The recovery was made from a densely populated residential area and the non-joining of the public witnesses and there being no videography/photography as certainly raised serious doubts over the very fulcrum of the case. The matter of recovery is a matter of trial, however, since the applicant/accused has no past criminal antecedents and there is no justification in the charge sheet or status report regarding the efforts made to join the independent witnesses, and there is no justification for the absence of photography or videography. Therefore, the applicant/accused has been able to satisfy the test of section 37 of the Act. Reliance is placed upon the receiving of Hon'ble High Court of Delhi in '*Bantu Vs State of NCT of Delhi*', 2024 OnLine Del 4671 . 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 Nabin Ranabhat 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/IO 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.

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

11. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Nabin Ranabhat for grant of regular bail is accordingly disposed of as allowed.
12. Needless to say, that nothing expressed herein shall have any effect on the merits of the case.
13. Copy of this order be sent to Jail Superintendent, Tihar Jail for necessary intimation to the applicant/accused.
14. Application is disposed off accordingly.
15. Copy of the order be given dasti as well as be sent to jail superintendent for supplying the same to accused in jail.

(ATUL AHLAWAT)
ASJ/ Special Judge, NDPS/N. Delhi
Delhi/19.08.2025