

Bail Matters 872/2026
STATE Vs. SHIVAM
FIR No. 102/2025
PS- (Crime Branch-South East)
u/s 221/132/318(4)/112/61(2)/3(5) BNS

17.04.2026

Present application has been taken up in terms of Order No. 10 dated 06.03.2026 passed by Ld. Principal District and Sessions Judge, SED, Saket Courts, New Delhi. (Roster)

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Shivam Sharma for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Nishi Kant Pandey, Ld. Counsel for the
applicant/accused. (through VC)

1. Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Shivam Sharma. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 06.03.2026. Ld. Counsel further submitted that the applicant/accused has been falsely implicated in the present case as he has nothing to do with the alleged offences. Ld. Counsel further submitted that there is an unexplained delay in registration of the FIR. Ld. Counsel further submitted that the entire case is based upon disclosure statements of co-accused which are inadmissible in evidence and that no recovery of any incriminating material has been effected from the conscious

possession of the applicant/accused linking him directly to the alleged offence. Ld. Counsel further submitted that the applicant/accused has clean antecedents and is the sole bread earner of his family. Ld. Counsel further submitted that investigation qua the applicant/accused is complete and he is no longer required for custodial interrogation. Ld. Counsel thus, submitted that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail.

3. *Per contra* learned Addl. PP for the State opposed the bail application on the ground that the allegations against the applicant/accused are serious in nature and that he is part of an organized syndicate involved in facilitating illegal activities. Ld. Addl. PP further submitted that investigation of the case is still ongoing qua other accused persons and that there is a possibility that the applicant/accused may tamper with evidence or influence witnesses, if released on bail. Ld. Addl. PP thus, submitted that bail ought not to be granted to accused.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused

absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. Briefly stated, the case of the prosecution is that on 25.03.2025, traffic police officials intercepted a vehicle in a “No Entry Zone” near Apollo Hospital, Sarita Vihar, and upon inquiry, it was revealed that the driver was using a purported unauthorized challa/badge allegedly issued by a syndicate to evade traffic enforcement. During investigation, co-accused Deepak Kumar disclosed the involvement of the present applicant/accused Shivam Sharma, who allegedly provided such stickers/markers in exchange for money. It is further the case of the prosecution that the applicant/accused was arrested on 06.03.2026 and certain stickers/markers were allegedly recovered from his possession. Call detail records and certain financial transactions are also stated to have been examined indicating alleged nexus with co-accused persons.

7. During the course of arguments, it was brought to the notice of this court that the applicant/accused is in custody since 06.03.2026. Further, the allegations primarily rest upon disclosure statements of co-accused, call detail records, and certain alleged recoveries. The evidentiary value of such material is a matter of trial. It is also pertinent that the investigation qua the present applicant appears to be substantially complete and he is no longer required for custodial interrogation. No purpose would be served by keeping the applicant/accused incarcerated

for an indefinite period. Further, as per the report, co-accused Jeeshan Ali had moved an anticipatory bail application before the Hon'ble High Court and the same is still pending and the Hon'ble High Court directed him to join the investigation and next date of hearing was fixed for 22.07.2026. Besides that, the applicant/accused has no previous criminal antecedents.

8. In the aforementioned circumstances, taking into account the submissions and the fact that investigation qua the applicant/accused is complete and no custodial interrogation of the applicant/accused is required for the further purpose of investigation and also, the applicant/accused has no previous involvement in any other criminal case, I deem it fit to grant regular bail to accused Shivam Sharma, on his furnishing personal bond with surety bond of Rs. 30,000/- with one surety in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC/Court concerned, subject to following conditions:

i) The applicant/accused shall not try to contact or influence the complainant/victim in any manner;

ii) He shall not tamper with evidence in any manner and shall regularly appear before the Court on each and every date of hearing; and

iii) He shall also furnish his mobile phone and mobile phone of his surety to the IO and shall keep his mobile phone operational round the clock and shall share his Google PIN to IO.

9. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have

no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

10. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

11. Order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /17.04.2026