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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 23rd January, 2025*

+ **BAIL APPLN. 47/2025**

LALIT

S/o Shri Devender Singh
R/o House No.B-1/22 LSC Market,
Sultanpuri, Delhi-110086.

....Petitioner

Through: Mr. Kartickay Mathur, Mr. Atul, Mr.
Dinesh Sharma & Mr. Shanker,
Advocates.

versus

THE STATE (NCT OF DELHI)

....Respondent

Through: Ms. Meenakshi Dahiya, APP for
State.
ASI Krishan, Anti-Narcotics Squad,
Outer Distt., Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The First Anticipatory Bail Application on behalf of the Applicant, Lalit Kumar has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*) in FIR No.785/2024 at Police Station Sultanpuri dated 04.09.2024.
2. It is submitted in the Bail Application that the Applicant had filed the first Anticipatory Bail Application before the learned ASJ which was dismissed *vide* Order dated 06.12.2024.



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3. The Applicant has asserted that he has been falsely implicated in the FIR, even though he has no concern in the alleged offence.

4. The Police officials, P.S. Sultanpuri had registered the present FIR on the basis that while on regular patrol on 04.09.2024 at around 04:20 A.M., they found co-accused-Ramu Singh standing outside his house near a park. They also found three persons who were looking under the influence of intoxication, standing around him with money in their hand. Upon them giving money to Ramu Singh, he handed over a packet to them. The patrolling Police caught hold of the co-accused-Ramu Singh, but all other persons managed to run away. The search was conducted and he was found in possession of 62.30 gms. of Heroin (an intermediate quantity). No money, however, was recovered from his possession. The co-accused-Ramu Singh disclosed that he had been doing this work at the instance of the Applicant-Lalit.

5. The Applicant Lalit has submitted that he was directed to join the investigations and Notice under Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*hereinafter referred to as 'NDPS Act'*) was issued on 03.10.2024. He approached the learned Additional Sessions Judge for Anticipatory Bail, wherein *vide* Order dated 25.10.2024 the Applicant was directed to join investigations and till then coercive steps were directed to be not taken against him. The Applicant joined investigations during the period of the interim protection which was extended *vide* Orders dated 05.11.2024 and 13.11.2024.

6. From the search of the co-accused-Ramu Singh, only an interim quantity of Heroin has been recovered, but no money was found in his possession. The Applicant and the co-accused happen to be residing in the



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same premises and therefore, any CDR connectivity between the two in no manner is suggestive of involvement of the Applicant in the present FIR.

7. It is claimed that the alleged incident as narrated in the FIR is absolutely baseless, false and concocted and a figment of imagination of the Prosecution. No custodial interrogation of the Applicant is required and there is no likelihood of him tampering with the evidence or influencing any witnesses.

8. Further, the Applicant has stated that he has two other cases pending against him, wherein he is on Bail.

9. The presumption of innocence is a golden rule of criminal legal system and Bail ought not to be denied on the perceived apprehension of the Court that he may tamper the evidence or because of his involvement in other cases. The Applicant further submits that he would suffer irreparable loss and injury in case the Anticipatory Bail is not granted to him. Hence, the Applicant has prayed for grant to Anticipatory Bail.

10. *The State in its Status Report* has submitted that the name and contact number of the Applicant was disclosed by the main accused-Ramu Singh in his Disclosure Statement. The Mobile Phone of Ramu Singh has been recovered from the house of the Applicant. There are CDR connectivity between the Applicant and the co-accused-Ramu Singh. Furthermore, the Applicant has been previously involved in two cases, out of which one case is under the NDPS Act. He is a habitual offender and thus, no Anticipatory Bail be granted to the Applicant.

11. It is further submitted on behalf of the State that custodial interrogation of the Applicant is required in order to trace out the source of supply of Heroin by the Applicant, to the co-accused and other persons.



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12. **Submissions heard and record perused.**

13. The investigations in the present case, are at the initial stages. The co-accused has named the Applicant as the person from whom he was getting the supply of Heroin for sale and that he was doing this work for the Applicant on his instructions.

14. It is a known fact that the police conduct further investigations based on the clues to establish the complicity of an accused in the commission of an offence. Here also, the investigations of the Applicant are required to be undertaken to determine the entire chain of events and to determine the source of supply of Heroin for which custodial interrogation is sought. It cannot be overlooked that the Applicant has previous involvement in a case under the NDPS Act.

15. Considering the totality of circumstances, no case is made out for grant of Anticipatory Bail and the Application is hereby, dismissed.

**(NEENA BANSAL KRISHNA)
JUDGE**

JANUARY 23, 2025

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