

\$~35

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

Judgment delivered on: 22nd March, 2016

+

BAIL APPLN. 35/2016

SANTOSH GUPTA @ RAHUL

..... Petitioner

Represented by: Mr.Nitin Sehgal, Adv
versus

STATE

..... Respondent

Represented by: Mr.Ashish Dutta, APP for
the State with SI Uma
Datt, PS Mangolpuri,
Delhi.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

1. Vide the present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner seeks direction thereby grant him bail in case FIR No.1743/2015 registered at Police Station Mangol Puri, Delhi for the offences punishable under Sections 20 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred as the NDPS Act).

2. For the aforesaid relief, the petitioner approached learned Trial Court with the earlier application, which was dismissed vide order dated 17.12.2015 on the ground that there are three more cases pending against the petitioner, thus, he is a habitual offender.

3. Pursuant to the order dated 08.01.2016 of this Court, status report has been filed by the State whereby submitted that only one case is pending against the petitioner and that too under the Excise Act.

4. Admittedly, the quantity of contraband allegedly recovered from petitioner is not 'commercial quantity'. Therefore, there is no bar of Section 37 of the NDPS Act in granting the bail to him. Moreover, the petitioner is in custody since 02.09.2015 and trial will certainly take substantial time to conclude.

5. Keeping in view the averments made in the instant petition and submissions of learned counsel for parties, I hereby direct learned Trial Court to admit the petitioner on bail during pendency of trial in afore noted case FIR on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to its satisfaction. It is also directed that in case of any change of address of petitioner or surety, the same shall be communicated to the jail authorities, learned Trial Court as well as IO/SHO concerned.

6. In above terms, instant petition is allowed.

7. Copy of order be given *dasti* under the signature of Court Master.

**SURESH KAIT
(JUDGE)**

MARCH 22, 2016

M