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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 782/2018**
SAURABH CHADDHA Petitioner
Through: Mr. Akshay Bhandari, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Tarang Srivastava, APP for State
with SI Vinod Kumar, PS-Narcotics
Cell.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **28.11.2018**

The petitioner seeks bail. He has been incarcerated since 21.10.2015. He is being tried for offences punishable under section 20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985. He is alleged to have been in possession of 250 gms of charas; that for intermediate quantity i.e. for possession of charas upto 1 kg, the maximum punishment that could be awarded is 10 years. It is the petitioner's case that on a parity, possession of 250 gms of charas would ordinarily fetch a punishment of 2 ½ years. He has already been incarcerated for 3 years. The prosecution witnesses are all police officials. Of the 13 witnesses, 9 have been examined and that the cross-examination of the 10th witness is underway; the trial may take an indeterminate amount of time. The petitioner is stated to have a previous involvement in another case where he was allegedly in possession of 60 gms of charas. However, charges have not been framed in that case. The petitioner was earlier granted bail for 15 days in the first instance and then

for three plus two weeks. He has not misused the liberty so granted to him.

The learned counsel for the State submits that the delay in the trial is mainly on account of the petitioner's counsel not completing the cross-examination of prosecution witnesses, and that since July, 2018, the petitioner's counsel has not been present before the Trial Court.

In the aforesaid circumstances, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Trial Court, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;
- (ii) the counsel for the petitioner shall appear before the Trial Court on each and every date to complete the cross-examination on the said date or the following dates;
- (iii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iv) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (v) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for compliance. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through the police.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

NOVEMBER 28, 2018

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