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

+ **BAIL APPLN. 2598/2019**

SHAHIDA @ BUDHIYA

..... Petitioner

Through Mr.Abhay Kumar, Adv. with
Mr.Sambhu Sharma, Adv.

versus

STATE

..... Respondent

Through Mr.Panna Lal Sharma, APP for State.
SI Pawan Kumar PS Narela.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **01.11.2019**

Vide the present petition, the petitioner/accused seeks bail in pursuance to FIR No.157/2019 dated 26.04.2019 registered at Police Station Narela for the offences punishable under section 21 NDPS Act.

The allegation against the petitioner is that at the instance of secret informer, the petitioner was apprehended while making 'Pudiya' (small packets) of smack and from her possession, a total number of 97 'Pudiyas' containing 18.8 gms. of smack were recovered.

After investigation, chargesheet has also been filed, charge has been framed and the case is at the stage of prosecution evidence and till date, no prosecution witness has been examined.

The petitioner is a lady, about 65 years old having responsibility of two marriageable daughter and has no past criminal record.

Learned APP has opposed the present petition and submits that the petitioner is a habitual offender and if she is released, she will again indulge in a similar offence.

It is not in dispute that recovery of smack from the petitioner is 18.8 gms. which is an intermediate quantity. Further, there is no past criminal record of the petitioner and she is in judicial custody since 26.04.2019.

Without commenting upon the merits of the case, this court is inclined to grant bail to the petitioner.

Accordingly, she shall be released on bail on her furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Trial Court.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

The petition is allowed and disposed of.

Order *dasti* under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

NOVEMBER 01, 2019

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