

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 190/2020**

RANI

..... Petitioner

Through: Mr. C.M.Sangwan, Advocate.

versus

THE STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with ASI Subhash Sharma, Narcotics
Squad.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

28.02.2020

1. By way of this petition, the petitioner is seeking bail in case FIR No. 36/2020, under Section 20(b)(ii)B/29 NDPS Act, registered at Police Station Mangol Puri, Delhi.

2. In brief, the facts of the case are that on 10.1.2020 while patrolling in the area of Outer District the police reached near dustbin Kanjhawala Road, Y Block Mangolpuri, Delhi. One male and a lady were seen coming from the side of Y Block Mangolpuri having polythene bags in their hand. On seeing the patrolling party, both of them turned back and started walking swiftly, due to which suspicion arose. The patrolling party chased them and stopped them after just 20-30 steps. On checking the bags in their hands, tobacco coloured substance was found, which upon smelling, appeared to be Ganja. Upon weighing the contents of the bag of the petitioner herein, 1025 grams of Ganja was found. Notice under Section 50 NDPS Act was

given to the petitioner on apprehension that some more contraband can be recovered from her and contents thereof were also explained to her. According to the prosecution, the petitioner admitted that she is having Ganja and she can be searched and she does not require the presence of Gazetted Officer or Magistrate.

3. It is submitted by the counsel for the petitioner that petitioner has been falsely implicated and Section 37 of NDPS Act is not applicable. It is further submitted that the quantity of Ganja recovered is intermediate quantity and petitioner is having clean antecedents. It is also submitted that petitioner is in judicial custody since 10.1.2020 and she is having two minor children.

4. On the other hand, it is submitted by learned APP for the State that the allegations are grave and serious in nature and all the compliances have been made.

5. Having heard the counsels and the quantity of Ganja recovered which is slightly more than the small quantity which is one Kg, and also the fact that rigors of Section 37 of NDPS Act does not apply, petitioner who is in judicial custody since 10.1.2020, is admitted to bail on her furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial court concerned.

Dasti.

RAJNISH BHATNAGAR, J

FEBRUARY 28, 2020/ib