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

+ **BAIL APPLN. 508/2020**

**CHHINDERPAL SINGH**

..... Petitioner

Through Mr.Girish Kr. Sharma, Adv. with  
Ms.Sushma Sharma & Mr.Karan  
Verma, Adv.

versus

**THE STATE (NCT OF DELHI ) NEW DELHI** ..... Respondent

Through Mr. Amit Chadha, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

% **19.03.2020**

**Crl.M.A. 5620/2020**

In view of the reasons stated in the present application, the application is allowed and disposed of.

**BAIL APPLN. 508/2020**

Present petition is filed under section 439 Cr.P.C. read with section 482 Cr.P.C. for grant of bail in pursuance to FIR No.46/2019 registered at Police Station Special Cell for the offence punishable under section 21 NDPS Act.

With the consent of the parties, present petition is taken up for final disposal.

It is not in dispute that co-accused Rajvinder Singh and Hahat @ Lilli have been granted bail by this Court vide order dated 06.02.2020.

It is also an admitted fact that total quantity of recovered substance from accused nos.1 to 4 is 150.5 gms which is intermediate quantity whereas the commercial quantity of said contraband is 250 gms. Hence, provision of section 37 NDPS Act does not attract.

As per the recent judgment passed by this Court in the case of '*Sandeep Kumar vs. Central Bureau of Narcotics*', decided on 08.07.2019, 2019 Lawsuit (DEL) 2001, after appreciating the law laid down by the Hon'ble Supreme Court in '*Rafiq Qureshi vs. NCB, Eastern Zonal Unit*', decided on 07.05.2019, **2019 Lawsuit (SC) 1179**, decided the case on the basis of purity percentage available in the contraband.

In view of above, since the purity of the recovered contraband is less than 250 gm and the petitioner is in custody since 23.03.2019, petitioner deserves benefit of the aforesaid judgments.

Learned APP has opposed the present petition and submits that other co-accused have no other previous history of the offence, however, in the present case, there are four cases against petitioner under NDPS Act and two cases for other offences registered against the petitioner.

Counsel for the petitioner states at bar that petitioner has already been acquitted in one of the cases and is on bail in the other case.

However, without commenting upon the merits of the case and the fact that there is no recovery effected from the petitioner herein and on parity, I am of the view that petitioner deserves bail.

Accordingly, he shall be released on bail on his furnishing personal bond in the sum of ₹25,000/- 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 Trial Court shall not get influenced by the observations made by this Court, while passing the final orders in the trial.

The present petition is allowed and disposed of.

The date already fixed i.e. 30.03.2020 stands cancelled.

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

Order *dasti* under the signatures of Court Master.

**SURESH KUMAR KAIT, J**

**MARCH 19, 2020**

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