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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 527/2020**

CHELAYA @ ANNA Petitioner
Through: Mr. V.P. Katiyar, Advocate.

Versus
STATE Respondent
Through: Dr. M.P. Singh, APP for State with SI
Shekhar, P.S. Jahangir Puri.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **02.09.2020**

CRL. M.A. 10024/2020 (Early Hearing)

1. With the consent of the parties, the bail application is taken up for hearing today. The date already fixed in the bail application is hereby cancelled.
2. Application is disposed of.

BAIL APPLN. 527/2020

1. The present bail application has been filed under Section 37 of the NDPS Act read with Section 439 Cr.P.C. seeking bail in FIR No. 53/2020 registered under Sections 20/61/85 of the NDPS Act at P.S. Jahangirpuri.
2. Mr. V.P. Katiyar, learned counsel for the petitioner submits that the petitioner is aged about 72 years and is suffering from various ailments. He further submits that the quantity of *ganja* alleged to be seized from the petitioner is 2 kg, an intermediate quantity, whereas the “small quantity” as

specified in Schedule annexed to the NDPS Act is 1 kg. He has referred to the photographs taken from the CCTV footage from a camera which was installed in the street to submit that the whole procedure took place within a period of 14 minutes i.e. from 08:30 pm to 08:44 pm when two policemen came and asked the petitioner to accompany them as the SHO had called him whereafter the petitioner went with them.

3. Learned counsel further submits that the petitioner is in judicial custody since 04.02.2020. It is also submitted that earlier also the petitioner was released on interim bail by the Sessions Court, vide order dated 26.06.2020, on the ground of illness of his wife, which concession he did not misuse and surrendered on time. Learned counsel lastly submits that in case the petitioner's bail is considered, he will stay at his given address at Delhi and will be available at his mobile number i.e. 8010712158 which he will keep operational during the period of his release.

4. Dr. M.P. Singh, learned APP, on the other hand, has opposed the bail application. He submits that the petitioner was arrested on secret information and 2 kg of *ganja* was seized from his bag. However, he, on instructions, submits that the petitioner is not found involved in any other case.

5. Looking into the facts and circumstances of the case and the fact that the petitioner is in judicial custody since 04.02.2020, the petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent/Duty M.M./Concerned Court and subject to further following conditions :-

1. The petitioner shall remain available on his mobile phone number i.e. 801072158, which he undertakes

to keep operational during the period of his bail.

2. The petitioner shall stay at his given address and will not leave the NCT of Delhi without the prior permission of the IO/concerned Court.
3. The petitioner shall report to IO SI Shekhar on his mobile phone number i.e. 9212172951/SHO, P.S. Jahangir Puri on his mobile number i.e. 8750870228 on first Monday of each English calendar month during the period of his bail.
4. The petitioner shall not try to get in touch with any of the prosecution witness or tamper with the evidence.
5. The petitioner shall appear before the concerned Court as when the charge-sheet is filed.
6. The application is disposed of in the above terms.
7. A copy of this order be communicated electronically to the concerned Jail Superintendent.

MANOJ KUMAR OHRI, J

SEPTEMBER 02, 2020

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