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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2129/2020**

ANIL YADAV @ ANIL Petitioner
Through: Mr.Vikas Sharma , Advocate

versus

STATE Respondent
Through: Mr.Kewal Singh Ahuja, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **28.08.2020**
(Hearing through Video Conferencing)

Vide the present application, the applicant seeks the grant of bail in relation to to FIR No.34/2020, PS K.N.Katju Marg under Section 21/61/85 of the NDPS Act, 1985.

The status report dated 25.8.2020 under the signatures of the concerned SHO Police Station KNK Marg has been received.

The applicant submits that he is handicapped with a 60% disability and has a family to look after.

The status report submitted by the State indicates that the applicant has been previously involved in FIR No. 45/18, Police Station Shalimar Bagh registered under Section 20 of the NDPS Act, 1985. In relation to that FIR, learned counsel for the applicant submits that the applicant is on bail and that he has been found in alleged possession of a small quantity of ganja. Inter alia it has been submitted on behalf of the applicant that the applicant was allegedly

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found in possession of a total amount of 7.39 grams of heroine which does not fall within the ambit of commercial quantity and thus the embargo under Section 37 of the NDPS Act, 1985 does not apply.

On behalf of the State it has been submitted that the raid was conducted after taking permission under Section 42 of the NDPS Act and that the applicant was allegedly involved in the sale of smack and the applicant was carrying a white polythene in his right hand on checking of which 60 pudiyas/small packets which on testing were found to contain smack weighing 7.39 gms in total.

Without any observations on the merits or demerits of the trial in the instant case, though undoubtedly the allegedly recovered heroine does not fall within the ambit of a commercial quantity, it has rightly been put forth on behalf of the State that 7.39 gms allegedly recovered from the applicant contained in 60 pudiyas, the contention raised on behalf of the State through the status report that the same was allegedly for sale cannot be overlooked. Taking the said aspect into account and also the previous antecedents of the applicant there is no ground whatsoever for grant of bail.

The petition is declined.

ANU MALHOTRA, J

AUGUST 28, 2020/SV

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