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

+ **BAIL APPLN. 2897/2019**

BILKIS BEGUM

..... Petitioner

Through Mr Alamgir, Advocate.

versus

STATE

..... Respondent

Through: Ms Meenakshi Chauhan, APP for State
with SI Phool Singh, Special Staff.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.01.2020

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No. 380/2017 under Sections 20/25/59 of the Narcotics, Drugs and Psychotropic Substances Act, 1985 (NDPS Act) registered with PS Badapur.
2. It is the prosecution's case that on 05.11.2017, information was received by ASI Surender at the Special Staff Office, South East District that one person, namely Rajesh Kumar, would come in a Swift Dzire Car bearing No. DL-1YE-1740 to Madanpur Khadar to supply *Ganja*. On the basis of this information, a raiding team was constituted. It is stated that the trap was laid near Tughlakabad Metro Station, Mathura Road, Badapur and the said vehicle (Swift Dzire Car bearing No. DL-1YE-1740) was intercepted. The search of the said car yielded five bags containing an aggregate of 50 kgs of *Ganja*. The said contraband was seized. The driver (Rajesh Kumar s/o Kalu

Ram) was arrested and sent to police remand. It is stated that on further investigations and the disclosures made by him, the petitioner along with one Hafiza was arrested from Taimur Nagar, New Friends Colony and 23 kgs of *Ganja* was recovered from the petitioner and another 24.8 kgs of *Ganja* was recovered from the other co-accused, namely, Hafiza.

3. The petitioner was arrested on 08.11.2017 and has been in custody since then. It is also stated that pursuant to further investigation, other persons involved in distribution of the contraband were also apprehended. A final report was filed on 21.02.2018 and charges were framed on 21.03.2018. The prosecution proposes to examine nineteen witnesses out of which, ten witnesses have already been examined. The Trial Court has fixed the next date of hearing on 18.03.2020.

4. The petitioner states that she has two children – one aged seven years and the other aged three years. According to the petitioner, the said children are living with the petitioner's mother. The status report indicates that the petitioner's two children aged seven years and three years are living with their father along with their grand-mother.

5. The learned counsel appearing for the petitioner has drawn the attention of this Court to the testimonies of two public witnesses – who were examined as PW 3 and PW 4. A plain reading of the said testimonies indicates that the public witnesses have not supported the case of the prosecution as far as recovery of the contraband is concerned.

6. The learned counsel appearing for the petitioner further states that provisions of Section 50 of the NDPS Act were not been complied with. However, that is a matter of trial and this Court is refraining from making any observations in that regard.

7. The status report also indicates that the petitioner's husband is running a poultry shop.
8. Considering that the public witnesses have not supported the case of the prosecution, there may be grounds for acquittal of the petitioner. Further, considering that her husband has a permanent establishment, there is also little risk of the petitioner absconding if released. In addition to the above, it is also relevant to note that the petitioner has two minor children.
9. Considering the above, this Court considers it apposite to allow the present petition.
10. Accordingly, the petitioner is directed to be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with two sureties of the equivalent amount to the satisfaction of the concerned Trial Court. The petitioner shall also mark her presence at PS New Friends Colony on the first Monday of each calendar month. The petitioner shall also provide her contact details to the concerned SHO and ensure that she is reachable at all times.
11. The petition is allowed in the aforesaid terms.
12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 31, 2020

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