



\$~5

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

+ **BAIL APPLN. 2662/2022**

KARAN @ BANTY

..... Petitioner

Through: Mr. Jitender Tyagi, Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Amit Sahni, APP and SI Ravi Beniwal, PS Govind Puri.
Mr. M.A. Hussain and Mr. Ajay Kumar Singh, Adv. for R-2.

%

Date of Decision: 18.09.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 14927/2023 & BAIL APPLN. 2662/2022

This is an application for early hearing.

The present bail application has been filed under section 439 CrPC seeking interim bail in case FIR No. 177/2022 under Sections 21/61/85 NDPS Act registered at PS Govindpuri, New Delhi.

Admittedly the alleged recovery from the petitioner is 12.30 gms of smack which falls under intermediate category thus on the face of provisions

BAIL APPLN. 2662/2022

Page 1 of 3



under Section 37 of NDPS Act will not be applicable to the petitioner.

The petitioner has been in custody since 05.02.2022.

Learned counsel for the petitioner has relied upon the judgment of the coordinate bench of this court in case titled as *Festus Chukwudi Odom v. NCB*, Bail Appln. No. 2619/2019 dated 19.04.2022.

Learned APP for the State has opposed the application on the ground that on the basis of secret information, the present petitioner was apprehended and after completing all the legal formalities search was conducted and he was found in possession of 12.30 gms smack.

Learned APP for the State submits that the sampling procedure was done in accordance with law and thereafter, charge-sheet has been filed.

Learned APP for the state submits that earlier interim bail application being moved by the petitioner was also dismissed as withdrawn vide order dated 18.11.2022.

Learned APP for the state has also submitted that though the petitioner is not involved in any other NDPS Act case but he is involved in 9 other cases.

I consider that as far as the contention raised by the learned counsel for the petitioner regarding the irregularities in serving the notice under Section 50 of NDPS Act can only be tested during the trial. However in the present case, the petitioner is in custody since 05.02.2022. It is also an admitted case that the intermediate quantity has been recovered from the petitioner.

The petitioner is stated to be a young person of 22 years of age and



there is nothing on the record that he is involved in drug trafficking.

In the facts and circumstances, taking into account the quantity recovered from the petitioner and the period of incarceration, the petitioner is admitted to bail on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount subject to the satisfaction of learned Trial Court subject to the following conditions:

- a) the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- b) the appellant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- c) in case of change of residential address and/or mobile number, the appellant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

The bail application stands disposed of along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 18, 2023/AR

BAIL APPLN. 2662/2022

Page 3 of 3