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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 524/2024, CRL.M.A. 4589/2024**

SONIA

..... Petitioner

Through: Mr. Rahul Sharma and Mr. Kshitij
Goel, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Kunal Mittal, Mr. Arjit Sharma
and Ms. Rishika, Advocates with
SI Sapna Sharma and HC Gopal,
Anti-Narcotics Cell, Dwarka.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

13.02.2024

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CRL.M.A. 4588/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 524/2024, CRL.M.A. 4589/2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner / applicant for grant of anticipatory bail in FIR No. 742/2023, under Sections 8/20 NDPS Act, registered at PS: Uttam Nagar, Delhi.
2. Issue notice. Learned ASC for the State appears on advance notice and accepts notice.
3. In brief, as per the case of petitioner, on 20.12.2023, 1.410 Kgs. of Ganja was recovered from accused Ram Niwas, who disclosed that the same was being sold as per instructions of petitioner Sonia, who is the owner of the



premises.

4. Learned counsel for the petitioner submits that Ram Niwas was a tenant in the premises of petitioner and she is in no manner connected with the alleged recovery, which is slightly above the small quantity. It is further contended that petitioner had undergone a medical procedure for Cystoscopy and removal of Left DJ Stent under General Anesthesia on 16.12.2023 and at the time of alleged recovery she was not present in the premises, since she was staying with her mother in another premises at Uttam Nagar, after discharge from RG Hospital.

5. Reliance is further placed upon *Babli Vs. State of NCT of Delhi*, BAIL APPLN. 3258/2023 decided on 03.11.2023, *Shyam Gupta and Ors. Vs. State*, CRL. REV. P. 421/2019 decided on 13.03.2023, *Surinder Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence*, MANU/SC/O796/2018, *Kishan Singh Vs. State of Rajasthan*, MANU/RH/0221/1995, *Amrik Singh Vs. State of Punjab*, CRM-M-No. 48484/2017 decided on 15.01.2018 by Hon'ble High Court of Punjab and Haryana, *Laddi Singh @ Charna Vs. State of Punjab*, CRM-M-1607/2019 decided on 07.02.2019, *Satish Vs State of Haryana*, CRM-M-3240/2017 decided on 17.02.2017 by Hon'ble High Court of Punjab and Haryana, *Mohd. Irshad Vs. State of NCT of Delhi*, BAIL APPLN. 994/2022 decided on 05.05.2022, *Mohit Aggarwal Vs. NCB*, BAIL APPLN. 2585/2020 decided on 16.03.2021, *Amit Ranjan V/s NCB*, BAIL APPLN. 1189/2020 decided on 23.05.2022 and *Vikas @ Vicky Vs. State of Haryana*, CRM-M-24236/2023 decided on 17.05.2023 by Hon'ble High Court of Punjab and Haryana.

6. On the other hand, application is vehemently opposed by learned ASC for State. It is pointed out that despite service of three notices, petitioner failed



to join the investigation. It is further submitted that no document has been furnished by petitioner, to show, if accused Ram Niwas was a tenant in the premises. Further, neither the date of tenancy nor rate of rent, if any received by petitioner, has been specified. It is also pointed out that the premises admeasuring about 50 sq. yards, is owned by petitioner and visits the premises regularly. Learned ASC for State submits that merely because the petitioner had undergone some medical procedure, it does not absolve her from joining the investigation. Further, the address of petitioner's mother has also not been disclosed by the petitioner.

7. Admittedly, petitioner failed to join the investigation despite issuing of three notices. Further, no documents have been filed on record to support the contention that co-accused Ram Niwas was a tenant in the said premises. It may not be appropriate to curtail the investigation at the initial stage itself, since, the source of procurement of Ganja is to be ascertained by the investigating agency. The cases relied by learned counsel for petitioner are distinguishable on facts.

Considering the facts and circumstances of the case, this Court is of the opinion that no grounds for anticipatory bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 13, 2024/R