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

+ **BAIL APPLN. 847/2024**

TEJ NARAYAN

.....Petitioner

Through: Mr. Mohit Yadav, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Amit, P.S. Nabi Karim.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.07.2024

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1. The application under Section 439 of CrPC has been filed on behalf of the petitioner seeking release on Regular Bail in respect of FIR No. 262/2023 under Sections 20/61/85 of NDPS Act, registered at Police Station Nabi Karim.

2. It is submitted in the bail application that the accused had been apprehended on 01.06.2023 and was found in possession of approximately 2.34 kgs of *Ganja*, which qualifies as an intermediate quantity. The charge sheet has been filed and the charges have been framed. The complainant has already been recorded. Only the police witnesses remain to be examined and therefore, there is no likelihood of tampering with the evidence. Two witnesses have been recorded on behalf of the State and the trial may take long. The accused belongs to a lower income, middle-class family is the sole bread earner of the family as his father had expired. The accused is



undergoing severe financial hardship and has also claimed that his state of destitution is causing irreparable loss. The prayer is, therefore, sought by way of the present application.

3. Learned APP appearing on behalf of the State, submits that the offence is punishable by ten years and only 13 months have been spent by the petitioner. Furthermore, there is no averment of the petitioner having been implicated falsely in this case.

4. Learned counsel for the petitioner, has relied on the following judgments: Smt. Sachala Nayak vs. State of NCT of Delhi; Rehmatullah @ Arman vs. State of Delhi; Anjali vs. State (GNCT Delhi); Mukram Qureshi vs. The State (Govt of NCT Delhi) and Narsimman vs. State (Govt of NCT of Delhi).

5. **Submissions heard.**

6. Considering that the complainant has already been examined though only two witnesses have been recorded and the trial may take long and also considering the facts as narrated above, including recovery of intermediate quantity of *ganja* and accused being in custody from 01.06.2023, the petitioner is admitted to bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.50,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the



Investigating Officer concerned.

- d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
 - e) The petitioner/accused shall not leave the country, without permission of this Court.
 - f) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.
7. The application is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JULY 9, 2024/RS