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

+ **BAIL APPLN. 1076/2024**

KUNAL KUMAR

..... Petitioner

Through: Mr. Rahul Sharma, Mr. Deepak Ghai,
Mr. Rahul Nagpal, Mr. Tariq Kamal,
Ms. Ankita and Mr. Bal Kishan
Gupta, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for the State
with Insp. Yakub Khan, SI N.C P.S.
ATO/NDRD, New Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

30.04.2024

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1. By way of present application filed under Section 439 Cr.PC. the applicant seeks regular bail in FIR No.128/2023 registered under Section 20 of NDPS Act at PS- New Delhi Railway Station, Delhi.
2. Learned counsel for the applicant states that as per the prosecution case, 6.320 Kgs of Ganja has been recovered from the bag of the applicant. He submits that the said quantity seized falls under the category of intermediate quantity and thus the rigors of Section 37 of the NDPS Act are not made out. He further submits that the charge sheet has been filed and that the applicant is not involved in any other case.
3. Mr. Laksh Khanna, learned APP for the State opposes the bail application however on instructions confirms that the applicant is not involved in any other case. He further submits that a total of 19 prosecution



witnesses are cited in the present case.

4. Considering that the case involves seizure of intermediate quantity and keeping in mind that the applicant is in custody since 28.08.2023, and the further fact that the trial is likely to take some time, the applicant is directed to be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

5. The bail application is disposed of in the above terms.

6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

7. Copy of the order be uploaded on the website forthwith.



8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

APRIL 30, 2024/ss

MANOJ KUMAR OHRI, J