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

+ **CRL.M.C. 3520/2024**

NARCOTICS CONTROL BUREAU

.....Petitioner

Through: Mr. Shashwat Bansal, Advocate.

versus

SAYED MAHMOOD QITALI

.....Respondent

Through: Mr. Sikandar Azam Khan, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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21.08.2024

1. NCB has approached this Court challenging the Order dated 22.12.2023, passed by the Special Judge, NDPS, Patiala House Courts, in SC No.146/2020, granting bail to the Respondent herein in NCB Case No. VIII/12/DZU/2020.

2. The order granting bail reveals that the Trial Court has considered the fact that the Respondent herein was in custody for more than three years and there is a violation of mandatory provision of 52A NDPS Act on the part of the NCB inasmuch as the application under Section 25A NDPS Act was moved after a delay of about 02 years and 10 months. The Trial Court has also observed that the Respondent herein has also crossed the bar of Section 37 NDPS Act. The Trial Court was, therefore, of the view that there is sufficient ground for granting bail to the Respondent herein.

3. It is trite law that the observations made by the Courts while granting bail are not decisive in trial. The issue as to whether Section 52A has been violated by the NCB or not would be considered by the Trial Court at the time of trial.



4. The Apex Court in Ranjit Singh v. State of M.P., (2013) 16 SCC 797, has held that bail can only be cancelled in extraordinary circumstances. No extraordinary circumstances have been shown by the Petitioner and this Court is of the opinion that the finding of the Sessions Court that the Petitioner has overcome the bar under Section 37 is only for the purpose of grant of bail and will not have any effect on the trial which will be decided on the weight of evidence adduced during trial.
5. In view of the above, this Court is not inclined to interfere with the Order granting bail to the Respondent herein.
6. Accordingly, the Petition is dismissed, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

AUGUST 21, 2024

Rahul