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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1806/2024

KHUNJAMAYUM GUNABANTA

.....Petitioner

Through: Mr. Mohan Singh, Advocate

versus

NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State with
SI Parag

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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30.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.26/2024 registered under Sections 20, 61 and 85 of the NDPS Act, 1985 registered at P.S. New Friends Colony, New Delhi.
2. It is contended that as per the FIR, a quantity of 1094 gram of *ganja* was seized from the applicant, which comes in the category of “intermediate quantity” and thus, the rigours of Section 37 of the NDPS Act are not applicable. It is further submitted that the applicant was arrested on 02.02.2024 and that the chargesheet has been filed. Lastly, it is submitted that the applicant is not involved in any other case.
3. Learned APP for the State has opposed the bail application. He submits that on 02.02.2024, the applicant alongwith co-accused was apprehended and total quantity of 1618 gram of *ganja* was recovered at the instance of the present applicant. He submits that even from the co-accused, 1596 gram of *ganja* was recovered. He, however, concedes that even after adding the total quantity seized, it still falls in the category of “intermediate



quantity". He, on instructions, further confirms that the applicant is not found involved in any other case.

4. Keeping in view the aforesaid facts and circumstances and considering that the quantity seized is of intermediate nature and the further fact that the parameters of Section 37 of the NDPS Act are not applicable and that the chargesheet has been filed, and considering the undergone period of custody and the fact that the applicant is involved in no other case of a similar nature, it is directed that the applicant 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 alongwith the



pending applications.

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.

DASTI.

MANOJ KUMAR OHRI, J

JULY 30, 2024

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