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

+ CRL.M.C. 5330/2024 & CRL. MA 20395/2024

STATE (GOVT.OF NCT) OF DELHIPetitioner

Through: Mr. Aashneet Singh, APP for State
with Inspector Vibas Pannu PS Crime
Branch, Delhi.

versus

SARVESH CHAUDHARYRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **15.07.2024**

1. By way of present petition, the State seeks to challenge the order dated 11.03.2024 passed by the learned Special Judge (NDPS Act), Patiala House Courts, New Delhi in FIR No.104/2021 registered under Sections 20/25/29 of the NDPS Act, 1985 at PS Crime Branch, Delhi vide which the respondent has been granted regular bail.

2. Mr. Aashneet Singh, learned APP for the State submits that in the present case, seizure was made on 12.06.2021 when along with the respondent, two more accused namely *Rakesh* and *Ridhm* were apprehended. While from the possession of *Rakesh* 1.206 kg of charas was recovered, from *Ridhm*, 750 grams of charas and from the present respondent 456 grams of charas was recovered. He further submits that all of them were apprehended together and Section 29 of NDPS Act becomes applicable and rigours of Section 37 would come into play. He, on instructions, from the IO submits that 9 out of 18 witnesses have already been examined. He further



submits that the findings recorded indicate that for the purpose of Section 37 NDPS Act, the quantities cannot be added.

3. Considering that the bail applications are considered and decided only on a *prima facie* view of the material placed before the Court and are not binding or have any influence on the final outcome, no ground is made out to entertain the present petition. In this regard, a reference is also made to the order dated 16.03.2022 passed by this Court in CrI. Rev. P. 385/2021 and in view of the observations of this Court in the said order, no ground is made out to entertain the present petition. The same alongwith pending application, is accordingly dismissed.

4. Needless to clarify, the finding in the impugned bail order are only *prima facie* and will not have any influence on the final outcome of the trial. The petitioners' contentions are left open to be urged before the trial court at the appropriate stage.

MANOJ KUMAR OHRI, J

JULY 15, 2024/rd