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

+ BAIL APPLN. 2514/2024 and CRL.M.A. 21043/2024

KAILASH

.....Petitioner

Through: Mr.Suraj Prakash Sharma, Advocate

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Udit Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.748/2024 registered under Section 20(b) NDPS Act at P.S. Nihal Vihar, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 14.06.2024. He further submits that the applicant is accused of being apprehended with 1598 gms. of *ganja* and as the seized quantity is intermediate, rigours of Section 37 of the NDPS Act would not apply. It is also stated that the applicant is not involved in any other case.
3. Learned APP for the State has opposed the bail application. He has handed over a status report, which is taken on record. The petition is also accompanied by the reply filed before the Sessions Court. Learned APP for the State, on instructions, submits 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 fact that the parameters of Section 37 of the NDPS Act are not applicable, 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 application.

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 this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail application. 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.

MANOJ KUMAR OHRI, J

JULY 22, 2024

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