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

+ CRL.M.C. 5494/2024 & CRL.M.A. 20990/2024

STATE (NCT OF DELHI)

.....Petitioner

Through: Mr. Laksh Khanna, APP for State
with Inspector Vibas Pannu, AGS,
Crime Branch, Delhi.

versus

RIDHM RANA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.07.2024

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1. By way of the present petition, the State seeks to challenge the order dated 22.01.2024 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 admitted to regular bail.

2. Mr. Laksh Khanna, learned APP for the State, submits that in the present case a seizure was made on 12.06.2021 when along with the respondent, two more accused namely, *Rakesh* and *Sarvesh Chaudhary* were apprehended, and from the possession of *Rakesh* 1.206 kg of charas was recovered, from *Ridhm* (respondent herein) 750 grams of charas and from the *Sarvesh Chaudhary* 456 grams of charas was recovered. Learned APP submits that all of them were apprehended together and Section 29 of NDPS Act becomes applicable and rigours of Section 37 come into play. Learned APP, on instructions from the IO, further submits that 9 out of 18 witnesses



have already been examined. Learned APP further submits that the findings recorded indicates 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 and further in view of the observations of this Court in the order dated 16.03.2022 passed in Crl. Rev. P. 385/2021, no ground is made out to entertain the present petition and the same is accordingly dismissed along with pending application.

4. Needless to say, the findings in the impugned bail order are only *prima facie* and will not have any influence on the merits of the case.

MANOJ KUMAR OHRI, J

JULY 22, 2024/rd