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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2903/2024 and CRL.M.A. 24345/2024
GEETAPetitioner

Through: Mr.Ankit Tandan, Advocate

versus

THE STATE GOVT OF NCT OF DELHIRespondent
Through: Mr. Laksh Khanna, APP for State with
SI Amit Kumar

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
16.08.2024

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1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.127/2024 registered under Sections 20/25 NDPS Act at P.S. Ghazipur, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 12.04.2024 and as per the allegations, 2 kg of *ganja* has been recovered at the instance of the applicant, which comes in the category of intermediate quantity and thus rigours of Section 37 of the NDPS Act are not applicable to the present bail application. He further submits that the trial will take a long time as the chargesheet is yet to be filed.
3. Learned APP for the State has opposed the bail application. He submits that not only is there a recovery of 2 kg *ganja* from the applicant but she is also found to be involved two other cases of similar nature bearing FIR No.319/2023 registered under Sections 20/61/85 NDPS Act at P.S. Mandawali, Delhi and FIR No.610/2022 registered under Sections 20 NDPS Act at P.S. Mandawali, Delhi. It is further submitted that there exists a



money transaction of Rs.50,000/- between the applicant and co-accused *Surender Yadav* from whom 32 kg *ganja* was recovered. The status report is handed over in Court today which is taken on record. The bail application is also accompanied by a status report filed before the Sessions Court. Learned APP for the State, on instructions, submits that the ‘year of the incident’ mentioned in the said status report in the tabular chart are incorrectly referred to as 2024 instead of 2023 at Sl. Nos.5 and 6.

4. At this stage, learned counsel for the applicant submits that the applicant is on bail in the aforesaid two cases.

5. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. A perusal of the aforesaid status report would show that the money transaction between the applicant and the co-accused is of December, 2023 whereas the present incident is of April, 2024 and even otherwise only intermediate quantity of the substance has been seized.

6. 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 her 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 her mobile number to the



Investigating Officer on which she 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.

7. The bail application is disposed of in the above terms alongwith the pending application.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. 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.

MANOJ KUMAR OHRI, J

AUGUST 16, 2024

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