



2024:DHC:6360



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision 22nd August, 2024***+ **BAIL APPLN. 2995/2024**

SIMRAN

.....Petitioner

Through: Mr. C.M. Sangwan and Mr. Saksham
Aggarwal, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, Ld. APP for the
State with SI Mahesh P.S. Bhalswa
Dairy.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)****CRL.M.A. 25078/2024 (Seeking Exemption)**

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

BAIL APPLN. 2995/2024

3. A Bail Application under Section 439 Cr.P.C has been filed on behalf of petitioner Simran in FIR No.431/2024 dated 24.05.2024 under Section 21 (B) NDPS Act registered at Police Station Bhalswa Dairy.
4. It is submitted that on 24.05.2024 on receipt of DD No.17-A, SI Mahesh Kumawat reached behind Govt. School, Janta Vihar, Mukandpur where HC Sachin and HC Mohan Lal met him and they produced one



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person namely Sahil as well as one tied transparent polythene containing brown coloured suspected material, allegedly recovered from him. On Inquiry Sahil disclosed that there was smack in the polythene. Notice under Section 50 NDPS Act was served upon him and content of the Notice was explained to him, but he refused for his search before the Gazetted Officer or Magistrate and also refused to take search of the police vehicles. ACP Swaroop Nagar was informed, who reached the spot at around 05:25 A.M. The content of the polythene was checked on the spot with Field Testing Kit and was found to be smack and the weight was 22 grams. It was seized by the police and FIR under Section 21(B) NDPS Act was registered.

5. On his pointing, the present petitioner Simran was arrested and from her house. 6 grams of smack was allegedly recovered from her possession aside from Rs.10,48,840/- which was recovered from her house.

6. The *First bail application* was withdrawn on 07.06.2024 and the *Second bail application* was dismissed on 04.07.2024. The *Third bail application* has been dismissed on 07.08.2024. It is submitted that Chargesheet already stands filed.

7. The bail is sought on the ground that the petitioner is a young lady of about 21 years who is falsely implicated in this case and is in Judicial Custody since 24.05.2024. She is four months pregnant from her fiancé with whom her marriage was going to be solemnized but could not happen because of her arrest. She needs proper care, attention and diet as well as routine Medical check-up. The cash amount of Rs.13,50,000/- which was found in the house was for the preparation of her marriage, but has been shown as a recovery from the petitioner.

8. There was nothing incriminating recovered from her, but has been



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planted. The police officials first visited her house on 23.05.2024 at about 12:00 noon in the absence of the petitioner and thereafter, they again visited on the same day at 05:10 P.M. and searched the entire house. Except the cash nothing was recovered from her. Thereafter, at 08:00 P.M the police took the petitioner, her brother, father and other members to the office of a property dealer, where they were harassed and humiliated and a demand of Rs.20 lakhs was made. When they were unable to fulfil their demand, the petitioner and her brother have been falsely implicated in this case.

9. It is submitted that she is not likely to tamper any evidence and is not a threat to any witness as all the witnesses are police officials. She is not likely to abscond in her present condition. The bail is, therefore, sought.

10. The **Status Report** had been filed before the learned Trial Court.

11. Learned Prosecutor has opposed the bail on the ground that the accused is involved in an organized and heinous crime. She may tamper the evidence, if bail is granted. There is also likelihood of her jumping the bail.

12. **Submissions heard.**

13. In the present case there was a recovery of 6 gms. of smack from the petitioner from her residence in addition to cash of Rs.10,48,840/- claiming it to be the money received on account of sale of the drugs. The money has been recovered from the house where aside from the petitioner, her brother and father are also residing. It can also not be overlooked that the petitioner is a young woman of 21 years and is four months pregnant.

14. Considering the nature of allegations and the young age and that she is pregnant, she is admitted to bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.50,000/- and one surety of the like amount, subject to the



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satisfaction of the learned Trial Court.

b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.

c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.

d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

e) The petitioner/accused shall not leave the country, without permission of this Court.

f) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.

15. The bail application is accordingly disposed of.

16. A copy of this Order be sent to the concerned Jail Superintendent, for compliance.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 22, 2024
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