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

+ **BAIL APPLN. 4255/2023**

SURJEET SINGH CHAUHAN

.....Petitioner

Through: Mr. Pravesh Chaudhary, Advocate
(through video conferencing).

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State with SI Ankit, PS Crime
Branch, Chankyapuri.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.07.2024

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1. By way of the present application, the petitioner/applicant seeks regular bail in FIR No. 116/2022 registered under Sections 20/29 NDPS Act at P.S. Crime Branch, Delhi.

2. Learned counsel for the applicant states that the applicant has been in custody since 24.06.2022 and that the charges came to be framed only in May 2024. He further submits that trial is at the initial stage and the prosecution has cited 21 witnesses, however, prosecution evidence is yet to begin. It is further submitted that the applicant is not involved in any other case. In support of his submission, learned counsel for the applicant has relied upon the Supreme Court decision in Rabi Prakash v. State of Odisha reported as **2023 SCC OnLine SC 1109** and Man Mandal & Anr. v. State of West Bengal reported as **2023 SCC OnLine SC 1868**, wherein while



considering the period of incarceration and the fact that the trial was likely to take a long time, the Supreme Court granted bail to individuals involved in cases related to NDPS Act.

On merits, he submits that as far as the proceedings related to drawing of sample is concerned, while samples weighing 10 gms each were taken out and were marked as S-1 to S-40, however, the FSL report states the weight of Ex. S-37 to be 18.9 gms.

3. The bail application is opposed by the learned APP for the State. He states that 5.099 kgs of *Charas* has been recovered from the applicant, which is commercial quantity and that rigours of Section 37 NDPS Act are applicable. He, on instructions, confirms that no prosecution witness has been examined and that the applicant is not found involved in any other case.

4. Without commenting on merits of the contention regarding the mismatch in the weight of the samples drawn and noted in the FSL report, which contention is to be appreciated in the trial and at the same time, considering the period undergone as also, the fact that the trial is yet to begin and the fact that the applicant is not stated to be involved in any other case, this Court is of the opinion that the parameters of Section 37 are satisfied. It is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- 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.
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 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

JULY 9, 2024

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Click here to check corrigendum, if any