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

+ **BAIL APPLN. 4272/2023**

RADHA

..... Petitioner

Through: Mr. Jitender Tyagi and Mr. Rajesh
Pandey, Advs.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for
State with SI Vijay Kumar, PS.
Jaitpur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.03.2024

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1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No.484/2023 under Sections 20/61/85 of NDPS Act registered at Police Station Jaitpur.
2. The case of the prosecution is that on 07.11.2023 at Police Station Jaitpur, a secret information was received by SI Sanjeev Kumar that a lady namely, Radha wife of Sumer Singh, who is a bad character of area will come to Mithapur Chowk with narcotic substance. The said information was shared with senior officer and a raiding party was constituted, thereafter, the petitioner was apprehended and narcotics substance weighing 4.402 kg was seized from her possession. On testing the contraband, it was found to be Ganja.
3. The learned counsel for the petitioner submits that the quantity of



contraband recovered from the petitioner is intermediate quantity and therefore, the rigours of Section 37 of the NDPS Act will not be attracted in the present case.

4. He relies on the judgment of the Hon'ble Supreme Court in ***Puranmal Jat vs. State of Rajasthan in SLP (Crl.) No. 10670/2023 (Date of Decision: 02.11.2023)***, whereby the appellant therein after custody period of seven months was granted regular bail since the quantity of contraband recovered from the appellant therein was intermediate quantity.

5. He submits that the other cases alleged to have been registered against the present petitioner are only under the Excise Act and not under the NDPS Act. Further, the petitioner is already on bail in the said matters.

6. He further submits that the charge sheet has been filed and the charges are yet to be framed, therefore, the trial is not likely to be concluded any time soon. He, therefore, urges the Court to enlarge the petitioner on bail.

7. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

8. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

9. The quantity of contraband (ganja) recovered from the petitioner is 4.402 kg which is undisputedly an intermediate quantity, as the commercial quantity in case of ganja is 20 kg. In this view of the matter, the twin conditions as stipulated in Section 37 of NDPS Act are not attracted.

10. It is also not in dispute that no other NDPS case is registered against the present petitioner. In so far as the cases registered against the petitioner under the Excise Act are concerned, the petitioner is already on bail in those cases.



11. Further, the investigation is complete and the charge sheet has been filed, therefore, nothing remains to be recovered from the petitioner and her custody is no more required.

12. The petitioner is stated to be in custody since 07.11.2023 and the charges are yet to be framed, therefore, the conclusion of trial is likely to take long time.

13. Further, the petitioner is a permanent resident of Delhi, therefore, she does not appears to be a flight risk.

14. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to her furnishing a Personal Bond in the sum of Rs. 50,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

a) Petitioner shall not leave the Delhi without prior permission of the Court.

b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.

c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and she shall not change the mobile number without prior intimation to the Investigating Officer concerned.

d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

15. The petition stands disposed of.

16. It is made clear that nothing stated above is to be construed as an



expression of opinion on the merits of the case.

17. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

18. Order *dasti* under signatures of the Court Master.

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 18, 2024/dss