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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 3249/2024

SAHIL

.....Petitioner

Through: Ms.Sushma Sharma, Mr.Girish Kumar,
Mr.Dhruv Kumar, Mr.C.M. Sangwan and
Mr.Saksham Aggarwal, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Naresh Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.10.2024

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1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.431/2024 registered under Sections 21B of NDPS Act at P.S. Bhalswa Dairy, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 24.05.2024 and as per the case of the prosecution, 22 grams of *smack/heroin* have been recovered at the instance of the present applicant, which falls under 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 though there has been a recovery of 6 gms of *smack/heroin* from the co-accused, however, there is a discrepancy in the total weight stated in the chargesheet wherein it has been recorded that A1 weighed 14.96 gms and A2 weighed 20.08 gms. Lastly, it is submitted that the applicant is not involved in any other case and the co-accused has



already been released on regular bail.

3. Learned APP for the State has opposed the present bail application. He contends that the present applicant can not seek parity with the co-accused, who has been released on regular bail considering her advanced pregnancy. He further submits that there is no discrepancy in the weight as A1 and A2 were weighed alongwith the plastic box in which the samples were kept. He, however, on instructions, confirms that the applicant is not found involved in any other case.

4. Having heard the learned counsels for the parties, indisputably, only intermediate quantity has been seized. The chargesheet in the present case also stands filed. The applicant is not found involved in any other case and the fact that the quantity seized is of intermediate nature, the rigours of Section 37 of the NDPS Act are not applicable, 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 J.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 and compliance.

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

OCTOBER 22, 2024

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