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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3271/2024

SUMAN

.....Petitioner

Through: Mr. Neeraj Kumar Jha, Mr. Rohit
Kumar and Mr. Divyanand Jha, Advs.

versus

STATE THROUGH SHO CRIME BRANCHRespondent

Through: Mr. Laksh Khanna, APP for State
with SI Vishan Kumar, ANTF Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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28.10.2024

1. By way of the present application, the petitioner/applicant seeks regular bail in FIR No. 0120/2022 registered under Sections 21/25/29 NDPS Act at P.S. Crime Branch, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 01.07.2022. He submits that though only 200 gms of *heroin* was seized at the instance of the present applicant, the prosecution has alleged seizure of commercial quantity. He submits that the charge came to be framed on 08.02.2023 and the prosecution has examined only 2 witnesses out of total 20 witnesses cited, in support the case. Lastly, it is stated that the applicant is not involved in any other case.
3. The application is resisted by learned APP for the State by contending that 300 gms of *heroin* was also recovered from the co-accused, namely Arpan @ Bablu, which is a commercial quantity and both the applicant and



co-accused Arpan @ Bablu were traveling together on a motorcycle. It is further stated that CDR connectivity is also established and the complicity of the accused is also reflected from the CDR of the mobile phone of both of them seized during the investigation. He, however, confirms that the applicant is not involved in any other case.

4. Considering the period of custody and the fact that from the present applicant, there has been a seizure of intermediate quantity and though Section 29 NDPS has been invoked however, so far only 2 witnesses have been examined and 18 witnesses are yet to be examined. Further, the trial is likely to take some time, it is directed that the applicant be released on regular bail subject to her 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./Link 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 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.

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 necessary compliance.
7. Copy of the order be uploaded on the website forthwith.
8. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and 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 28, 2024

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