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

+ BAIL APPLN. 3354/2024 and CRL.M.A. 28087/2024

DHIRAJ KUMAR @DHEERAJ KUMARPetitioner

Through: Ms.Soumava Karmakar, Mr.Nishant Singh, Mr.Amit Kumar Rana and Mr.Surender Singh, Advocates

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Laksh Khanna, APP for State with SI Rameshwar Parsad

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.09.2024**

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.25/2024 registered under Sections 20/61/85 of NDPS Act at P.S. Hazrat Nizamuddin Railway Station, Delhi.
2. Learned counsel for the applicant submits that the applicant is only 20 years of age and is in custody since 06.06.2024. As per the allegations, 5 kgs of *ganja* has been recovered at the instance of the 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 the applicant is not involved in any other case. Lastly, it is submitted that the chargesheet has been filed, and the custodial interrogation of the applicant is not required.



3. Learned APP for the State has opposed the bail application. He submits that the Investigating Officer has seized the material which indicates the involvement of the present applicant in an interstate syndicate involved in the transaction of narcotics. He, however, on instructions, confirms that the applicant has no previous involvements.

4. The submissions made by learned APP are disputed by learned counsel for the applicant.

5. Having heard the learned counsels for the parties and considering that the chargesheet has been filed, the applicant not found involved in any other case as well as the fact that the quantity seized is of intermediate nature, the parameters 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.25,000/- 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.
6. The bail application is disposed of in the above terms alongwith the pending application.
7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.
8. Copy of the order be uploaded on the website forthwith.
9. 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

SEPTEMBER 18, 2024

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