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

+ **BAIL APPLN. 3377/2024 and CRL.M.A. 28225/2024**

ASHA ALIAS PASHO

.....Petitioner

Through: Mr.Rahul Sharma, Mr.Kshitiz Goel,
Mr.Akash Bhardwaj and Mr.Deepak Ghai,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
ASI Sandeep Kumar

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.273/2023 registered under Section 21/29 NDPS Act & 201 IPC at P.S. Crime Branch, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 19.11.2023 and as per the allegations, 32 grams of heroin 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. It is further submitted that the chargesheet has been filed and the custodial interrogation of the applicant is not required. Lastly, it is submitted that the prosecution has cited a total 19 witnesses and the trial is yet to begin.



3. Learned APP for the State has opposed the bail application. He submits that the applicant has previous involvements wherein commercial quantity of heroin was seized at her instance and while on bail in the said case, the present offence has been committed by her.

4. Having heard the learned counsels for the parties, indisputably only intermediate quantity has been seized and the applicant is in custody for almost a year. Considering that the chargesheet has been filed and the fact that the parameters of Section 37 of the NDPS Act are not fulfilled, it is directed that the applicant be released on regular bail, subject to her 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 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 alongwith the pending application.
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

SEPTEMBER 18, 2024

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