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

+ **BAIL APPLN. 3392/2024**

REKHA

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Deepak Ghai
and Mr. Saurabh Diwedi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Umesh Pal and Inspector
Dinesh Dahiya PS Narcotics/North
West, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.11.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 712/2023 registered under Section 21/61/85 NDPS Act at P.S. Mukherjee Nagar, Delhi.
2. Learned counsel for the applicant states that as per the case of the prosecution, the applicant was found in possession of 100 gms of *smack* which is an intermediate quantity. He submits that though the trial has begun, however, till date only four witnesses have been examined out of a total of 16 witnesses and charges were framed on 16.02.2024. He further submits that the applicant has been in custody for the past 14 months.
3. Learned APP for the state on the other hand has opposed the present bail application by contending that the applicant has one other involvement in a case under NDPS Act and while she was on bail in the said case, the present offence was committed. He submits that there are two more



involvements of the present applicant under the Excise Act.

4. I have heard learned counsel for the parties and perused the record.

5. The instant case involves seizure of 100 gms of *smack*, which concededly is an intermediate quantity and the rigour of Section 37 NDPS Act are not applicable and the applicant has been in custody for around 14 months.

6. Considering the totality of facts and circumstances and the period undergone by the applicant in custody, this Court deems it fit to release the applicant 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 JMFC/concerned Trial Court 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.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.



9. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

NOVEMBER 12, 2024/rd