



\$~52

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

+ **BAIL APPLN. 3614/2024**

DEEPAK

.....Petitioner

Through: Mr. Kartikey Mathur, Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
and ASI Sandeep Kumar, PS ANTF,
Crime Branch.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.10.2024

%

CRL.M.A. 30191/2024

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 3614/2024

The present bail application has been filed under Section 482 r/w Section 528 BNSS seeking anticipatory bail in case FIR No. 80/2024 dated 15.04.2024 under Section 21/25/29 NDPS Act registered at PS Crime Branch.

Learned counsel for the petitioner submits that the only evidence against the petitioner is the disclosure statement made by the co-accused Shambhu where he stated that he used to procure Smack/Heroine from the present applicant, Deepak and supply it to Anil @ Billa. Learned counsel further submits that no recovery has been made from the petitioner.



Issue notice.

Learned APP for the State has accepted the notice and has submitted that there are three other cases pending against the petitioner. The learned APP further submits that the investigation has revealed a conspiracy among the accused persons, from whom recovery has been made. It is also submitted that a drug cartel is being operated, and thorough investigation is required. The learned APP mentions that Non-Bailable Warrants (NBWs) have already been issued against the petitioner, and proceedings under Section 82 Cr.P.C. have been initiated.

In *Union of India v. Ram Samujh* 1999 Supp(2) SCR 76, the Supreme Court highlighted the strict conditions required for granting bail under the NDPS Act, with a particular focus on Section 37. The Court recognized the grave nature of drug-related offenses and the widespread harm they inflict on society, especially through drug trafficking. Acknowledging the devastating impact these crimes have on communities, the Court emphasized that the law must be applied rigorously to uphold the legislative intent behind the NDPS Act. As a result, the Court denied bail, reinforcing the principle that serious drug offenses demand a higher standard for bail to ensure public safety.

In *Narcotics Control Bureau v. Mohit Aggarwal* 2022 SCC OnLine SC 891, the Supreme Court highlighted the stringent conditions for granting bail under Section 37 of the NDPS Act, especially in serious cases involving drug trafficking. Given the gravity of the charges, including conspiracy, the Court emphasized that these offenses require careful and strict consideration before bail can be granted.

The cases against the petitioner, registered under the NDPS Act, are



serious in nature, and the conspiracy angle needs to be fully investigated. Given the rigour of Section 37 of the NDPS Act, the petitioner is not entitled to anticipatory bail. Accordingly, the present bail application stands dismissed.

In view of the facts mentioned herein above, the present bail application along with pending application(s), if any, stands dismissed.

DINESH KUMAR SHARMA, J

OCTOBER 7, 2024/AR/NA..