



\$~101

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

+ **BAIL APPLN. 3834/2024**

DEBABRATA PAL @ DEV

.....Petitioner

Through: **Mr.I.N.Thakur, Advocate**

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: **Ms.Manjeet Arya, APP for State with
ASI Anjay Singh, P.S. Crime Branch.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **22.10.2024**

1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 0029/2024, under Section 20 NDPS Act registered at PS: Crime Branch. Chargesheet has been filed under Sections 20/29 NDPS Act.

2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.

3. In brief, as per the case of prosecution, petitioner was apprehended on suspicion on 06.02.2024 from footpath near Majnu Ka Tila and was found to be in possession of 495 grams of *charas* being carried in a brown coloured parcel.

During investigation, petitioner disclosed that the contraband had been procured from one Om Nath, a resident of Kullu, Himachal Pradesh and he had made a payment of Rs.30,000/- to him through UPI. He further disclosed the mobile number of Om Nath and as per CDR details, the



petitioner was found to be in constant touch with Om Nath.

4. Learned counsel for the petitioner submits that petitioner was in possession of intermediate quantity and has been in custody since 06.02.2024. It is urged that petitioner is no longer required for investigation, since chargesheet has already been filed. He further points out that conclusion of trial is likely to take considerable time as sixteen witnesses have been cited by the prosecution.

5. On the other hand, application is vehemently opposed by learned APP for the State though she admits that the contraband recovered from petitioner is of intermediate quantity. She further submits that co-accused Om Nath from whom *charas* was procured is absconding and could not be arrested during the course of investigation.

6. Admittedly, 495 grams of *charas* allegedly recovered from petitioner is an intermediate quantity which is less than the commercial quantity which commences at 1 kg. As such, the rigors of Section 37 of NDPS Act are not applicable in the present case. Chargesheet has already been filed and as per the disclosure statement, petitioner allegedly procured the contraband for his personal consumption. Conclusion of trial is likely to take some time since the case is still at the stage of charge. Further, there does not appear to be any possibility of influencing the witnesses as most of the witnesses are official witnesses.

7. Considering the facts and circumstances of the case, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating



Officer (IO) / SHO concerned at the time of release;

(ii) In case of change of address, petitioner shall intimate / communicate his fresh address to the IO / SHO concerned as well as learned Trial Court;

(iii) Petitioner shall not indulge in any criminal activity during pendency of trial;

(iv) Petitioner shall appear before learned Trial Court as and when directed.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 22, 2024/v