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

+ **BAIL APPLN. 3844/2024**

CHINU THAKUR

.....Petitioner

Through: **Mr. Pranay Abhishek, Adv.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Manoj Pant, APP for the State
with SI Vijay Dahiya, PS Prashant
Vihar.**

+ **BAIL APPLN. 3852/2024**

MOHIT KUMAR

.....Petitioner

Through: **Mr. Pranay Abhishek, Adv.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Manoj Pant, APP for the State
with SI Vijay Dahiya, PS Prashant
Vihar.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **22.10.2024**

CRL.M.A. 31828/2024 In BAIL APPLN. 3844/2024

CRL.M.A. 31905/2024 In BAIL APPLN. 3852/2024

Exemptions allowed, subject to just exceptions.

Applications stand disposed of.

BAIL APPLN. 3844/2024

BAIL APPLN. 3852/2024

1. Separate bail applications under Section 483 of the Bharatiya Nagarik



Suraksha Sanhita, 2023 ('BNSS') have been preferred on behalf of petitioners for grant of regular bail in FIR No. 360/2024 under Sections 20/25/29 NDPS Act registered at P.S. Prashant Vihar.

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

3. In brief, as per the case of prosecution, on 23.08.2024 at about 10:38 PM, two persons riding scooty, on seeing the police picket, took a U turn but their scooty slipped. On suspicion, both the persons were apprehended and on search, 4.824 Kg. of *Ganja* was recovered from the carry bag found on the foot rest of the scooty, which was driven by Mohit Kumar while Chinu Thakur was a pillion rider.

4. Learned counsel for petitioners submits that alleged quantity of contraband recovered from petitioners is an intermediate quantity and petitioners are in custody since 24.08.2024. He further submits that petitioners have clean past antecedents.

5. On the other hand, application is opposed by learned APP for the State. He further informs that though chargesheet has been prepared, the same is pending under scrutiny.

6. Since the contraband recovered from the petitioners is of intermediate quantity, the rigors of Section 37 of NDPS Act are not applicable in the present case. Petitioners are in custody since 24.08.2024 and their custody is no longer required for purpose of investigation. The possibility of influencing the witnesses is bleak, since all the witnesses are official witnesses.

Considering the totality of facts and circumstances, petitioners are admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- each



(Rupees Twenty Five Thousand only) with one surety each in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioners shall provide their mobile number to the Investigating Officer (IO) / SHO concerned at the time of release;
- (ii) In case of change of address, petitioners shall intimate / communicate their fresh address to the IO / SHO concerned as well as learned Trial Court;
- (iii) Petitioners shall appear before learned Trial Court as and when directed.

Applications are 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.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 22, 2024

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