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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3901/2024**

REKHA

.....Petitioner

Through: Mr. Rahul Kr. Singh, Mr. Sanjeev and
Mr. Shailendra Kr. Singh, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Vishal Malik, SWR/Special
Cell.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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26.11.2024

1. By way of the present application, the applicant seeks regular bail in FIR No.258/2023 registered under Sections 22/29 of the NDPS Act at P.S. Special Cell.
2. Learned counsel for the applicant submits that applicant is in custody since 10.10.2023 and though the prosecution has alleged recovery of commercial quantity of substance however, only 48 bottles of 100 ml *Cocrex* syrup has been recovered from the present applicant which translate into 0.48 grams of codeine. It is submitted that though charge-sheet has been filed however charge is yet to be framed.
3. Application is resisted by Ld. APP for the State who submits that in the present case, Section 29 of the NDPS Act has been added as the total quantity seized from the accused persons is commercial in nature. As per the prosecution case, the quantity seized from the co-accused has been



supplied by the present applicant and there is corresponding receipts of money from the co-accused *Faizan's* mother to the applicant. He however, fairly states that the quantity seized from the applicant is small quantity. It is also stated that the applicant is not found involved in any other case.

4. I have heard the learned counsel for the parties and gone through the records.

5. As apparent from the above-noted, the seizure from the present applicant is of small quantity. Though Section 29 has been added however, the same is for the Trial Court to appreciate the material evidence at the conclusion of trial. The applicant is not found involved in any other case and the charges are yet to be framed since the supplementary charge-sheet is yet to be filed. Considering the aforesaid and the period of 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 M.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.

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

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

8. 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 26, 2024

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