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

+ **BAIL APPLN. 4056/2024**

VIJENDER ALIAS HARENDER

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Deepak Ghai,
Mr. Kshitij Goel and Ms. Drishti
Juneja, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
along with SI Kartar Singh Rawat,
P.S. Anti Narcotics Cell, OND.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
10.12.2024

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1. The present application has been filed for regular bail in case FIR No. 444/2024 registered at P.S. Bhalaswa Dairy for the offences punishable under Sections 21/25/29 NDPS Act.
2. The petitioner is stated to in custody since 29.06.2024.
3. The prosecution's case, briefly stated, is that on 04.06.2024, Taslima @ Putti was apprehended, and 400 grams of heroin were recovered from her possession, leading to the registration of the present FIR. During the investigation, based on information provided by Taslima @ Putti, co-accused Sonu was arrested, and 100 grams of heroin were recovered from



his possession. Co-accused Sonu disclosed the name of the present applicant, Vijender @ Harender, as the supplier. Subsequently, on 29.06.2024, the present applicant was arrested, and 60 grams of heroin were recovered from his possession.

4. Learned counsel for the applicant submits that the quantity of contraband allegedly recovered from the applicant's possession falls under the intermediate category, and therefore, the rigors of Section 37 of the NDPS Act do not apply. He further contends that the applicant has been falsely implicated in the present case. Considering that the investigation is complete and the trial is likely to take considerable time, it is submitted that the applicant may be granted bail.

5. The bail application is vehemently opposed by the learned APP for the State. He submits that a total of 560 grams of heroin was recovered collectively from the three accused persons, which exceeds the threshold for commercial quantity. He further contends that the present applicant is the supplier and the kingpin in the case. Additionally, it is submitted that six other criminal cases are pending against the applicant.

6. It is a well settled proposition that an individual cannot be held responsible for the quantity recovered from the possession of the co-accused and an individual can be held responsible only for the quantity received from his person. Reference can be made upon the judgments in **Amar Singh Ramji Bhai Barot vs. State of Gujarat** (2005) 7 SCC 550 and **Bhupinder Singh alias Bhinda vs. State of Punjab**, 2005 (1) RCR (Crl.) 168 and an order of the Coordinate Bench of this Court in Bail Application No. 33/2024 **Shahrukh Khan vs. State GNCT of Delhi** dated 16.07.2024. As far as, the other criminal cases are concerned, it is settled proposition that every



case has to be seen on its own peculiar facts and circumstances, however, the pendency of other criminal cases alone cannot be basis for the refusal for prayer of bail. Reliance can be placed upon *Prabhakar Tewari vs. State of U.P. &Anr.*, Criminal Appeal 153/2020 arising out of SLP (Crl.) 9207/2019 dated 24.01.2020.

7. In view of the facts and circumstances, the applicant is admitted to regular bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of concerned learned Trial Court, subject to the verification of address and mobile number to be given and subject to the following further conditions:

- a. the petitioner shall regularly appear before the IO/trial court as and when directed;
- b. the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
- c. the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
- d. In case of change of residential addresses and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

8. In view of the above, the instant application stand disposed of.

9. A copy of this order be sent to the concerned Jail Superintendent for necessary compliance.

DINESH KUMAR SHARMA, J

DECEMBER 10, 2024/ssc/na



This is a digitally signed order.

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