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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4089/2024**
REKHAPetitioner

Through: Mr J.P. Singh, Mr. Upendra Yadav,
Mr. Sahil Sansanwal, Mr. Hemant
Sharma, Advs

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Aman Usman, APP for State with
SI Deepak Kumar, PS: Jahagirpuri.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
17.12.2024

1. This petition has been filed seeking regular bail in FIR No. 78/ 2019, registered at P.S. Jahangirpuri, Delhi, under Sections 21/61/85 NDPS Act. Petitioner was arrested on 07th February 2019.
2. As per Nominal Roll, petitioner had been in custody for about one year and ten months and has four previous involvements. Petitioner has been released on interim bail in 2019.
3. In the present case, the recovery from petitioner was 7 grams of *heroin*, which is an intermediate quantity and does not fall within the embargo of Section 37 of the NDPS Act.
4. A bail application had been previously filed before this Court, being Bail Application No 341/2020, in which this Court passed an order on 3rd



March 2020, noting the submissions of the parties and granting bail to the applicant.

5. It was noted then that the petitioner had been incarcerated for about a year, and no useful purpose would be served by further incarceration, as the trial would take time.

6. Other aspects relating to the previous involvement of petitioner were also considered and taken into account. Subsequent to the petitioner being released on bail, she was implicated in FIR No. 324/2023, P.S. Jahangir Puri, under Section 21/ 29 NDPS and was declared a proclaimed offender, She was thereafter taken into custody in the present case.

7. The petition for regular bail was filed before the Sessions Court, and the plea was dismissed *vide* order dated 01st June 2024, essentially on the basis that the accused/petitioner had violated the bail condition on which this Court had granted bail.

8. Counsel for petitioner states that she has been enlarged on bail in FIR No.324/2013 as well and, therefore, seeks relief of bail in this case, relying on the earlier decision of this Court dated 3rd March 2020.

9. A perusal of the Nominal Roll would show that in other pending cases against her, she has been enlarged on bail. Considering the circumstances, already analysed by this Court in order dated 3rd March 2020, the fact that the recovery was of an intermediate quantity, and that she has already been in custody for about one year and ten months in the current matter, the Court is inclined to grant bail to the petitioner.

10. APP for State submits that the Trial Court ought to have considered that the bail granted by this Court had never been cancelled and ought to have taken that into account before dismissing the bail of petitioner. The said aspect



does assume importance, considering that the bail had been granted by this Court on 3rd March 2020 and had not been cancelled by due process of law.

11. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every second and fourth Monday of every month at 4 p.m. and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall



not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

15. *'Dasti'*

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 17, 2024/RK/tk

Click here to check corrigendum, if any