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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4196/2024**

MINTU

.....Petitioner

Through: Mr. Abhay Kumar, Advocate.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Satnaryan, P.S. SED.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.12.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 111/2024 registered under Sections 20/29/61/85 of the NDPS Act at P.S. Sarita Vihar, Delhi.

2. Learned counsel for the applicant submits that though in the application, the applicant's date of arrest has been mentioned inadvertently as 09.05.2024, the applicant was actually arrested on 25.03.2024. He further submits that after investigation, the charge-sheet stands filed but the charge is yet to be framed.

On merits, it is submitted that as per the prosecution case, the applicant was found in possession of 17.304 kg of *ganja* which by itself is an intermediate quantity. He further submits that the prosecution has alleged that along with the applicant, there were two other accused persons from whom different amounts of recoveries have been effected and charge-sheet



has been filed with the aid of Section 29 of the NDPS Act. Lastly, it is submitted that the applicant is not involved in any other case.

3. Application is resisted by Ld. APP for the State, who, while referring to the reply filed before the Sessions Court, submits that though an intermediate quantity was seized at the behest of the present applicant, the other two accused persons were also present at the spot and a total 25.77 kg of *ganja* was recovered from all the accused persons, out of which 6.352 kg of *ganja* was recovered from co-accused *Aman* and 2.114 kg of *ganja* from co-accused *Rekha*. A copy of the said reply has been filed alongwith the present petition. He, on instructions, however submits that the applicant is not found to be involved in any other case.

4. I have heard the learned counsels for the parties and gone through the material on record.

5. The present case pertains to the recovery of intermediate quantity from the present applicant. Though the total recovery from all the three accused persons is shown to be commercial in nature with the aid of Section 29 of the NDPS Act, however, considering the aforesaid facts and circumstances and the further fact that the charge is yet to be framed and the applicant statedly does not have any prior involvements, it is directed that the applicant be released on regular bail subject to him 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 Judicial Magistrate 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 his mobile number to the Investigating



Officer on which he 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

DECEMBER 17, 2024

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