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

+ **BAIL APPLN. 401/2025**

SONI

.....Petitioner

Through: Mr. Pramod Kumar, Mr. Himanshu Saxena, Mr. Avdesh Kumar , Mr. Pawan Kumar & Mr. Rahul Singh, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP with with SI Ravinder, Spl. Staff

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

27.03.2025

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1. This is an application filed on behalf of the petitioner Soni, under Section 439 Cr. PC/483 BNSS, for grant of bail.
2. Learned counsel for the petitioner submits that the recovery of Ganja from the present petitioner is shown to be only 4 kgs., which falls in the category of intermediary quantity, and therefore, the bar of Section 37 NDPS Act shall not apply in her case. It is further submitted that petitioner is a lady and during her custody remand, she delivered a baby. Petitioner is stated to be in custody since 25.06.2024 and charge sheet has since been filed and there is no likelihood of disposal of the case in near future.
3. Bail application has been opposed by the learned Additional PP, submitting that 4 kgs. of Ganja was recovered from the present petitioner, 3



kgs. was recovered from her husband Lal Babu and at the instance of Lal Babu, 33kgs. Of Ganja was recovered from co-accused Sujeet and thus, the total quantity of the Ganja recovered from three accused persons is 40 kgs., which is the threshold of commercial quantity of Ganja.

4. It is submitted that all the three recoveries are part of the same transaction, and therefore, its a case of recovery of 40 kgs. of Ganja from the present petitioner as well.

5. As per allegations, petitioner and co-accused Lal Babu were apprehended on the basis of a secret information and on the search of the petitioner, 4 kgs. of Ganja was recovered, while from Lal Babu, 3 kgs of Ganja was recovered. Later on, at the instance of Lal Babu, 23 kgs. of Ganja was recovered from the third accused namely Sujeet.

6. Admittedly, the recovery of 23 kgs of Ganja from co-accused Sujeet is at the instance of co-accused Lal Babu and not the present petitioner. The present petitioner was apprehended on 26.06.2024 with 4 kgs of Ganja, while the recovery from co-accused Sujeet was effected on 28.06.2024 and that too at the instance of co-accused Lal Babu. On being asked, the Investigating Officer has informed that there is nothing in the disclosure statement of the present petitioner, which may show that she has any connection with co-accused Sujeet.

7. Under these facts and circumstances, I am of the view that recovery made from co-accused Sujeet cannot be added to the quantity recovered from the present applicant. Since only 4 kgs of Ganja has been shown to be recovered from the present petitioner, the same comes within “intermediary” quantity and therefore the rigour of Section 37 of NDPS shall not be applicable to the facts of the present case.



8. No other case is stated to be pending against the present petitioner. Petitioner is a lady, and as stated, she delivered a baby while in custody.

9. For the aforesaid reasons, I am inclined to enlarge the petitioner on bail, subject to the following terms and conditions:-

- i) Petitioner shall furnish a personal bond in the sum of Rs. 20,000/- with a surety of the like amount to the satisfaction of the learned trial court/Duty Magistrate;
- ii) petitioner shall appear before the trial court on each and every date of hearing in the present case;
- iii) petitioner shall provide her working mobile phone number to the IO and shall not switch off her mobile phone at any point of time;
- iv) petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the case.

10. It is made clear that the observations made in the bail order are only for the purpose of disposal of the bail application and shall not affect the merits of the case.

RAVINDER DUDEJA, J.

MARCH 27, 2025

RM