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

+ BAIL APPLN. 500/2025

ATO SUMIA ALIAS ATO SUMI

.....Petitioner

Through: Mr. Jipi Y Chisho & Mr. Kaoliangpou
Kamei, Advs.

versus

STATE OF NCT DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Nitesh Mahiya, PS Special
Staff/SWD, ND & IO/SI Ashok
Kumar, PS RK Puram

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+ BAIL APPLN. 572/2025

RK SEB

.....Petitioner

Through: Mr. Jipi Y Chisho & Mr. Kaoliangpou
Kamei, Advs.

versus

STATE OF NCT DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Nitesh Mahiya, PS Special
Staff/SWD, ND & IO/SI Ashok
Kumar, PS RK Puram

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
01.05.2025

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1. This hearing has been done through hybrid mode.
2. The present applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') seek regular bail in case FIR No. 215/2024, under Sections 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), and Section 78 of the Juvenile



Justice (Care and Protection of Children) Act, 2015 (for short, 'JJ Act') registered at P.S. Safdarjung Enclave.

3. The case of the prosecution is that on 19.09.2024, on the basis of an information received regarding selling of illicit *ganja* (*marijuana*) by 2-3 persons at Humayunpur Village, New Delhi, a raid was conducted at House No. 66A, 2nd Floor, Room No. 10, Humayunpur Village. In the said raid, three persons were apprehended along with the illicit *ganja* of 4.590 kg from the room of the accused persons. Subsequently, the present FIR was registered and investigation was taken up.

4. During the course of investigation one CCL and the present applicants were interrogated and, subsequently, arrested. It is alleged that during the interrogation the accused persons had disclosed that they had been receiving *ganja* from Shillong, Meghalaya from one Kawi (Kitbok) through post office parcels to be supplied in Delhi-NCR to one Man Kumar Ghale and Rohit Rai. It is alleged that during investigation mobile phones of the present applicants were taken and efforts were made to arrest the other co-accused persons. It is further alleged that during investigation, the mobile phone of the applicant-Ato Sumia was analysed and it was found that he was regularly in contact with the supplier. It is further submitted that a total of 75 parcels were received by the present applicants which were sent by one co-accused, namely, Kitbok Langdoh. It is also submitted that the parcels which have been received by the applicants approximately weighed a total of 520.312 kilograms. The mobiles have been sent to FSL for analysis and chargesheet stands filed. It is further submitted that the process under Section 84 of the BNSS has been conducted against the other co-accused persons.



5. Learned counsel appearing on behalf of the applicants submits that the quantity of the contraband seized from the applicants is not of commercial quantity. It is further submitted that the seizure had taken place in the room of the applicants and, therefore, the recovery of contraband were not from the applicants individually. It is further submitted that the applicants are not involved in any other previous offence. It is further pointed out that the chargesheet in the present FIR stands filed and, therefore, no purpose would be served in keeping the present applicants in further judicial incarceration.

6. *Per contra*, Learned APP on instructions submits that the quantity of *ganja*, though recovered from the applicants is intermediate in nature, however, the parcels which have been received by the present applicants weigh more than 500 kgs which was supposedly *ganja* supplied by the other co-accused. It is further submitted as per the WhatsApp chats the photographs of *ganja* have been shown and, therefore, it is clear that the present applicants are involved in the alleged transporting of the aforesaid contraband.

7. Heard learned counsel for the parties and perused the records.

8. Admittedly, the seizure in the present case is of 4.590 kilograms. The quantity is not commercial but intermediate and, therefore, the rigours of Section 37 of the NDPS Act will not be attracted. The parcels which have been shown to be received by the present applicants have not been seized or recovered at any point of time and the allegations that the said parcels contained *ganja* is, at this stage, is presumptive in nature. As of date, there is no seizure of any other contraband from the applicants or at their instance. Chargesheet in the present case stands filed. The applicants are not involved in any other offence. Perusal of the nominal roll dated 11.03.2025 reflects that



the applicants have been in custody since 19.09.2024. The applicants are not involved in any other previous offence.

9. In totality of the facts and circumstances, the applicants are directed to be released on bail, on their furnishing a personal bond of Rs. 50,000/- with two sureties each of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:

- i. The applicants shall not leave NCT of Delhi without prior permission of the learned Special Court.
 - ii. The applicants shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicants shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicants are directed to give their mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicants shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
 - vi. The applicants shall report to the Investigating Officer on every second and fourth Monday of the month at 4:00 P.M. and the concerned officer is directed to release them by 05:00 P.M. after recording their presence and completion of all the necessary formalities.
10. The applications are allowed and disposed of accordingly.
11. Pending application(s), if any, also stand disposed of.
12. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail applications.



13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 01, 2025/gs/sc