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

+ **BAIL APPLN. 1336/2025**

AMAN RANA

.....Petitioner

Through: Mr. Kartickay Mathur, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

29.07.2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR No.173/2024, registered at Police Station Crime Branch, Delhi (NR-II) under Sections 20/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*'), Section 95 of the Bhartiya Nyay Sanhita (hereafter '*BNS*') and Section 78 of the Juvenile Justice Act, 2015 (hereafter '*JJ Act*').

2. Briefly stated, the FIR in this case came to be registered on 03.09.2024 on receipt of information that three persons will be carrying trolley bags etc. and will be in possession of *ganja*. The forensic expert team was called at the spot. The three accused persons were apprehended, and upon conducting their search, *ganja* was recovered from their bags. From the present accused/applicant, three packets weighing about 5.016 Kg, 4.850 Kg and 5.075 Kg were recovered from the trolley bag being carried by



Aman Rana and 5.062 Kg was recovered from *pithu* bag of Aman Rana, i.e. a total of 20.003 Kg. Two packets containing *ganja* of 4.874 Kg and 4.834 Kg were recovered from co-accused Anita @Mano. From co-accused CCL 'A', *ganja* weighing about 1.980 KG and 4.936 Kg was recovered. The FSL report has been received which opines that the substance recovered from the accused persons is *ganja*.

3. The learned counsel appearing on behalf of the applicant argues that the co-accused persons in the present case have been granted bail. It is argued that the due to procedural lapses in this case, the applicant is entitled to bail. It is also argued that the applicant is in judicial custody since 03.09.2024, and the trial has not yet commenced. It is also contended that bar under Section 37 of NDPS Act should not be attracted. Therefore, it is prayed that the applicant be released on regular bail.

4. The learned APP for the State, on the other hand, argues that the commercial quantity of *ganja* was recovered from the present accused/applicant, therefore, bar under Section 37 NDPS Act is attracted. It is, therefore, prayed that the application for grant of bail be rejected.

5. This Court has heard arguments addressed on behalf of both the sides and has perused the material available on record.

6. In the present case the allegations are that from the present accused/applicant *ganja* weighing about 20.003 Kg. was recovered which is 03 grams above the statutory limit of *ganja* i.e. 20 Kg. In this case, intermediate quantity of *ganja* was recovered from the co-accused persons and it is not disputed that these co-accused persons have been enlarged on bail by the learned Trial Court.

7. There is no previous criminal involvement of the present accused



either in any other criminal case or in any case under NDPS Act. The trial has not yet commenced.

8. Further, this Court notes that when the *ganja* was allegedly recovered from the present accused, the four packets were weighed at the spot and were found to contain 20.003 Kg. of *ganja*. However when the sampling proceedings took place before the learned Magistrate, the weight of the *ganja* was found to be 19.993 Kg., which is intermediate quantity.

9. Thus, the *ganja* recovered at the spot which was allegedly 20.003 Kg. which will be commercial quantity; however, it will be only .003 gram more than intermediate quantity. Further, as noted above, when the learned Magistrate conducted the sampling proceedings, the quantity of *ganja* recovered was 19.993 Kg., which is intermediate quantity. Though the final adjudication of this discrepancy will be only during trial, taking the above facts into consideration, this Court is of the opinion that in such circumstances when the other co-accused persons have already been granted bail, trial is yet to commence, charge-sheet has been filed, and charges have not been framed yet, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) The applicant shall share his mobile number with the



IO/SHO concerned, which shall be kept in working condition at all times.

- iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iv) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- v) The applicant shall not communicate with, or come into contact with any of the prosecution witnesses, or tamper with the evidence of the case.
- vi) The applicant shall not indulge in any criminal activity including commission of similar offence.

10. Accordingly, the present bail application stands allowed and is disposed of.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. A copy of this order be communicated to the concerned jail authorities for necessary compliance.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 29, 2025/zp