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

+ **BAIL APPLN. 1568/2025**

ROHAN KUMAR

.....Petitioner

Through: Mr. Varun Kumar, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the
State.
SI Hitesh Bhardwaj, PS – Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER
22.07.2025

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1. Having been declined bail by the learned trial Court on 19.02.2025, applicant before this Court seeks his release as an under trial in a case bearing FIR No.0012 dated 12.02.2022, registered under Sections 15 /25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at North East, Crime Branch.
2. Learned Counsel for the applicant/accused argues that the applicant is innocent and has been falsely implicated. He states that the applicant has never been involved in any unlawful activity. He is a 23-year-old youth engaged in labour work for his livelihood.
3. He argues further that even the mandatory provisions under Section 50 of the NDPS Act have not been complied with. There are significant



procedural lapses, including delay in taking and sending samples for FSL analysis beyond the 72-hour limit mandated by Standing Order 1/88, and failure to draw samples on the spot in the presence of panch witnesses.

4. Whereas, learned APP opposes the bail plea inter alia on the ground that trial is still at the early stages and the offence is serious in nature.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Applicant was arrested on 12.02.2022 based on secret information and 56.360 kgs of contraband Poppy Straw was allegedly recovered.

7. Applicant is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses.. There is no probability of tampering with evidence as the same has already been seized by the investigating agency. As regards witnesses, they are all official and therefore, unlikely to be influenced, even if there is any such apprehension by the prosecution.

8. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Trial is likely to take long time as it is proceeding at a snail pace. Whereas, applicant has already been in jail for the past more than (being behind bars since 12.02.2022) 3 years and 4 months.

9. Allegations against applicant are matter of trial. At this stage, there appears to be a reasonable ground that applicant may not be guilty of the alleged offence. He is not likely to commit any offence while on bail.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the applicant in further preventive custody.



11. Accordingly, applicant is ordered to be released on bail on his furnishing bail bonds and surety bonds and other usual conditions to the satisfaction of learned trial Judge, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
12. In case, applicant is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
13. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
14. Pending Application(s), if any, shall also stand disposed of.

ARUN MONGA, J

JULY 22, 2025

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