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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1800/2025**
ANUJPetitioner

Through: Mr. Lokesh Ahlawat and Mr.
Deepanshu Kataria, Advocates.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Mukesh Kumar, APP.
Inspector Ravinder and SI Bunt
Drall, P.S. KNK Marg.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.05.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 439 of the Criminal Procedure Code, 1973²) seeks grant of regular bail in case FIR No. 381/2024 dated 17th October, 2024, registered under Sections 20, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985³, at P.S. K.N. Katju Marg, Delhi.

2. In brief, the case of the prosecution is as follows:

2.1. The present FIR was filed on the basis of a complaint filed by HC Neeraj, who alleges that on 17th October, 2024, around 5:10 PM, when he was out on beat patrol along with Constable Deepak near Kachi Nehar, Haiderpur Plant, Sector-15, Rohini, they saw two individuals walking on

¹ "BNSS"

² "CrPC"

³ "NDPS Act"



foot carrying heavy black bags. Seeing this, the officers approached them and inquired about the contents in their bags. As a result, the individuals panicked and attempted to run away, however, they were stopped.

2.2. Upon inquiry, one of the accused was identified as Anuj (present Applicant) and the other as Vishal. When they were further questioned, they were not able to give any satisfactory answer, hence their bags were searched. From the bag recovered from Anuj, four packets of a substance were discovered, which was giving off a strong odour and was observably containing a green leafy substance. Similarly, 3 packets having the same characteristics were found inside the bag recovered from Vishal.

2.3. Thereafter, the concerned SHO was informed, who arrived on the spot with more officers and the recovered packets were then taped and sealed. On analysis, the recovered packets were found to contain approximately 14 Kilograms of Ganja. The recovered Ganja was taken into police possession through seizure memo and a case *vide* FIR No. 381/2024 was registered and both Anuj and Vishal were taken into judicial custody.

3. The Counsel for the Applicant makes the following submissions seeking grant of regular bail:

3.1. The Applicant had not committed the alleged offence, and the purported recovery is only because the alleged contraband was planted. The Applicant has been falsely implicated in the present case and has been in judicial custody since 17th October, 2024.

3.2. The quantity recovered is of 'intermediate' nature and therefore the bar under Section 37 of NDPS Act is not attracted. Further, despite the arrest being made from a public place, no efforts were made by the prosecution to involve a public witness. Hence, the recovery of the alleged contraband is



not in accordance with the procedural safeguards provided under the NDPS Act and the entire recovery stands vitiated.

3.3. The Applicant has deep roots in society and bears a clean record with no criminal antecedents. The Applicant is the sole breadwinner for his family. It is urged that given his local address in Delhi, the risk of flight is negligible.

4. On the other hand, Mr. Mukesh Kumar, APP for the State, strongly opposes the present bail application and submits that the allegations against the Applicant are of a grave and serious nature, as a recovery of approximately 14 Kilograms of Ganja has been effected during the time of incident. The FSL report also confirms that the recovered contraband to be Ganja. Further, there is apprehension that the Applicant may influence witnesses and jump bail if granted.

5. The Court has considered the aforementioned contentions. The Court has considered the aforementioned contentions. While evaluating a bail application, the Court must consider several factors, including whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail and the reasonable apprehension of witnesses being intimidated by the accused.

6. In the instant matter, the Prosecution has alleged that approximately 14 Kilograms of Ganja has been recovered from the Applicant. The said quantity falls under the 'intermediate' category as per the NDPS Act. Since the recovered contraband is classified under the intermediate category, the rigours of Section 37 of NDPS Act will not be applicable.



7. The Applicant has asserted that he is firmly rooted in India and is a permanent resident of Delhi, thereby mitigating any flight risk.

8. As on 20th May, 2025, the Applicant has been in custody for 7 months and 1 day. With the main and supplementary charge sheets having been filed, as such, the Applicant's presence is no longer required for the purpose of further investigation or custodial interrogation. Moreover, the Applicant also has clean antecedents.

9. In light of the above, the Court is inclined to enlarge the Applicant on bail. Accordingly, it is directed that the Applicant be released on bail on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- c. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- e. The Applicant shall appear before the Trial Court as and when directed;



f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

g. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

10. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

MAY 21, 2025

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