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

+ **BAIL APPLN. 1841/2025**

KIRAN RAJ S

.....Petitioner

Through: Mr.Pramod Kumar and Ms.Radha J.,
Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Amol Sinha, ASC with Mr.Kshitiz
Garg, Mr.Ashivini Kumar, Ms.Chavi
Lazarus, Mr.Nitish Dhawan and
Ms.Sanskriti Nimbedkar, Advocates
for the State alongwith Insp.Yakub
Khan, P.S.-ATO/New Delhi Railway
Station

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

23.07.2025

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1. After being declined bail by the learned Trial Court on 16.04.2024, applicant before this Court seeks his release as an under trial in a case bearing FIR No.26/2023 dated 02.03.2023, registered under Sections 20/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter 'NDPS Act'), at Police Station New Delhi Railway Station.
2. The applicant is stated to have been apprehended on the spot with the recovery of 10.4 Kg ganja, though the same is disputed by the applicant.
3. Learned counsel for the applicant states that the contraband was implanted on the applicant and he has been falsely implicated. He submits that the contraband falls in intermediate quantity and Section 37 of the



NDPS Act is not applicable.

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

5. The applicant has already remained under incarceration, being behind bars since 02.03.2023 i.e. for more than two years. On the other hand, he is not required for any further investigation since chargesheet has already been filed and the trial has commenced. Allegations and counter allegations are matter of trial.

6. On a Court query, it transpires that the applicant has no criminal history and is not involved in any other case of similar kind or any other FIR.

7. The 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. It does not appear that the applicant is not likely to commit any offence while on bail, given his clean antecedents.

8. Considering the overall facts and circumstances, it seems to be a fit case for grant of bail during the pendency of the trial. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody. The instant bail application is, thus, allowed.

9. Accordingly, the applicant is ordered to be released on bail subject to the condition that the applicant shall not leave the territorial jurisdiction of NCT of Delhi, without prior permission of the learned Trial Court and subject to the other usual bail conditions, on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/ learned Duty Judge,



as the case may be.

10. In case, the 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.

11. 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.

12. Pending Application(s), if any, shall also stand disposed of.

ARUN MONGA, J

JULY 23, 2025
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