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

+ **BAIL APPLN. 1969/2025**

**BUNTY**

.....Petitioner

Through: Mr.Suraj Prakash Sharma, Advocate  
(VC)

versus

**THE STATE (NCT OF DELHI)**

.....Respondent

Through: Ms.Priyanka Dalal, APP for the State  
alongwith SI Sourav Singh, P.S.-  
Mangolpuri

**CORAM:**

**HON'BLE MR. JUSTICE ARUN MONGA**

**ORDER**

**08.08.2025**

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1. Claiming himself to be falsely implicated, the applicant herein seeks indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 1102/2022 dated 30.09.2022 for alleged offences under Sections 22(C) of NDPS Act, registered at P.S. Mangolpuri.

2. Per FIR, the complainant stated that on 30.09.2022, while police officials were on patrol duty near Kala Mandir, they noticed a person carrying a plastic bag walking toward the temple. Upon seeing the police in uniform, the individual abruptly turned around and began walking away, which aroused suspicion. The complainant, along with CT Chaman No. 1661/OD, approached the person approximately 30–40 steps ahead of the gate and asked him to stop. When questioned about his behavior, the



individual failed to provide a satisfactory explanation and attempted to conceal the plastic bag behind his back. Upon searching the bag, the police recovered the following items: Avil 10 ml injections, Buprenorphine 2 ml injections, and several syringes with needles. During preliminary questioning, the individual admitted that these substances were used for drug abuse. The seized items and the accused, Bunty, were handed over to superior police officials for further legal action. The contents of the plastic bag were then counted, which included: 8 packs of Buprenorphine IP 2 ml injections, each containing 5 units (totaling 40 injections); 2 boxes of Avil 10 ml injections, each containing 25 units (totaling 50 injections); and 110 syringes with needles. During interrogation, Bunty stated that Avil injections are used to counter the side effects of Buprenorphine.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would urge on the lines of grounds taken in the petition *inter alia* urging as below:-

4.1 Learned counsel for the applicant would contend that the FIR in question is based on a false and fabricated complaint, implicating the applicant without any involvement in the alleged offence. He would also contend that Section 29 of the NDPS Act is not applicable in the present case.

4.2 He would further contend that the applicant has clean antecedents and that no contraband has been recovered from the conscious possession of the applicant.

4.3 The applicant has been in judicial custody for approx. 2 years, 7 months and the custodial interrogation in this matter has been completed.



Learned counsel would canvass that continued detention would likely cause irreparable harm to the applicant's future and adversely affect the reputation of his family.

5. Learned APP would oppose the bail plea arguing that the applicant deserves no indulgence from this Court as commercial quantity of psychotropic substances is involved in the incident. Moreover, she further states that the applicant may commit repeat offence, if granted bail and is also a flight risk.

6. Having heard, it transpires that there are no criminal antecedents of any kind suggesting to attract the ingredient of Section 37 of NDPS *qua* the repeat offence. The quantity of the contraband which was allegedly recovered from him is stated to have been implanted on him as per the arguments advanced by learned counsel for the applicant. However, the same is a matter of trial.

7. That apart, as per the nominal roll dated 05.08.2025 (filed by prosecution), the applicant was extended benefit of interim bail vide order dated 08.05.2023 on medical grounds of ailment of his wife and again on 02.08.2023 on account of his minor daughter suffering from an orthopedic injury. He was also extended the benefit of interim bail again on 13.12.2023 on account of taking care of his minor children and their education including their admission in the school. There is no reported misconduct of any kind during the period he remained on interim bail.

8. Be that as it may, given that the applicant has already undergone almost three years (date of arrest i.e. 30.09.2022) of incarceration during pendency of the trial, wherein chargesheet already stands filed. The testimony of prosecution witnesses is being recorded. As far as tampering of



the evidence is concerned, the same seems to be an unfounded suspicion since most of the evidence is documentary in nature, which has already been seized by the prosecution and is beyond the reach of the applicant.

9. As regards influencing the witnesses, they are all officials of the prosecution and thus, there is no apprehension made out on that count as well.

10. The applicant is stated to be a deeply rooted person in society having family constituting of a wife and two minor children, apart from ailing parents, who he has to look after.

11. The applicant is stated to be sole breadwinner in his family who has been also visited with the financial calamity in his absence, reducing them to starvation and penury. It was in these circumstances, the applicant was accorded with the benefit of interim bail since owing to lack of finances, the wife and the minor daughter of the applicant were not getting proper medical treatment.

12. Taking wholesome view of the matter, the application is allowed. The applicant is thereby directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court.

13. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same. In case the applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the



applicant in the present case *vide* instant order.

14. Accordingly, the bail application stands disposed of.

**ARUN MONGA, J**

**AUGUST 8, 2025**  
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