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

+ **BAIL APPLN. 2041/2025**

AMAN

.....Petitioner

Through: Mr. Suraj Prakash Sharma and Mr.
Rahul Bansal, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State
with SI Niranjan Singh..

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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27.05.2025

CRL.M.A. 16674/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2041/2025

1. This is an application under Section 439 Cr.P.C read with Section 483 of BNSS Act filed by the petitioner for grant of regular bail in case FIR No. 26/2025, under Section 21 of NDPS Act, registered at P.S.Crime Branch.
2. Issue notice.
3. Notice is accepted by learned APP for the State.
4. Since the status report/reply filed by the State before the trial is already part of record of this case, learned APP does not want to file any further status report in this case.
5. Learned counsel for the petitioner submits that no recovery has been



effected from the present petition. The recovery shown is planted and in any case, the bar of Section 37 of NDPS Act is not attracted inasmuch as the recovery is stated to be only of 60 grams of heroin.

6. The bail application is opposed by learned APP stating that on the basis of secret information, the petitioner and co-accused Asher Gill @ Ashu and Brettlee Bhati were apprehended and 60 grams of heroin was recovered from the possession of each three of them, thus totalling to 180 grams of heroin. He submits that the allegations are grave and serious in nature, and therefore, petitioner is not entitled for the grant of bail

7. Since the recovery is only of 60 grams of heroin from the present petitioner, and even if, the recovery from other two accused is to be clubbed, the total recovery from all three of them is 180 grams of heroin, which is below the threshold of commercial quantity, and therefore, the rigors of Section 37 of NDPS Act shall not apply to the petitioner.

8. Petitioner is stated to be in custody since 25.01.2025. Investigation is complete and charge sheet has already been filed in Court. Petitioner is not required for any further investigation. There is nothing on record to indicate about the previous criminal antecedents of the petitioner. No useful purpose shall be served by keeping the petitioner in custody. He is therefore admitted to bail on his furnishing a personal bond in the sum of Rs.20,000/- with a surety in the like amount to the satisfaction of the trial court/Duty Magistrate, subject to the following conditions:

- (i) the petitioner shall appear before the trial court as and when directed,
- (ii) upon being released, the petitioner shall furnish his mobile number to the investigation officer and shall keep the mobile on



at all times,

(iii) in case of change of address, he shall duly intimate the same to the trial court and to the Duty Magistrate.

9. The petition accordingly stands disposed of.

10. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

RAVINDER DUDEJA, J

MAY 27, 2025/ib