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

+ **BAIL APPLN. 2391/2025**

SUNIL@CHEDI

.....Petitioner

Through: Mr.Suraj Prakash Sharma, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms.Richa Dhawan, APP for State
with SI Dharmender, Spl Cell NR &
STF

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

08.09.2025

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1. Applicant herein is before this Court seeking regular bail in FIR No. 222/2022 registered on 29.07.2022 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') at Police Station Special Cell, Delhi submitting to the effect that the applicant is in judicial custody since 07.12.2022.

1.1 Per FIR, on a secret information, a raiding party was constituted which apprehended Vishal and Mehruddin who were suspected of dealing in Heroin under instructions of one Sanjay. ACP Ved Prakash also later joined the raiding party and on search, one white bag, containing polythene with brown powder, was seized from Vishal. The powder weighed about 1 kg and tested positive for Heroin. Likewise, from Mehruddin, one black polythene bag containing powder, weighing about 1 Kg was seized, which also tested



positive for Heroin. Thus, total recovery was that of 2 Kg Heroin (1 Kg each) was made. Notices under Section 50 NDPS Act were served; both refused search before Magistrate/Gazetted Officer. Resultantly, accused persons were booked under Sections 21/29 NDPS Act and FIR was registered at Special Cell Police Station with compliance under Section 55 NDPS Act.

1.2 The investigation ensued and the accused Vishal named Sunil@chedi (Applicant) as the alleged receiver of contraband from Vishal which he had procured from some other person.

2. In view of the aforesaid, I have heard the rival contentions and perused the case file.

3. Learned counsel for the applicant would, inter alia, argue as below :-

3.1 That there are no basis of allegations made against the present applicant as they are false and frivolous. The alleged recovery is of 100 gm of heroin from his possession which is intermediate quantity.

3.2 That the 'twin test' provided in Section 37 is not applicable, the custody period of the applicant is not more than 2 ½ years and trial has not been completed.

3.3 That the applicant has clean antecedents and has never been convicted in any case by any court of law.

3.4 That the investigation has already been completed and the charge sheet has already been filed and the applicant is no more required for any custodial interrogation.

3.5 That the applicant belongs to the lower strata of the society and whole future of the applicant is likely to get hampered. The continued incarceration of applicant will adversely affect on his future employment prospects.



3.6 The applicant is a permanent resident of Delhi and as such there is no chance of him absconding and undertakes not to temper with prosecution evidence.

4. Opposing the bail plea, learned APP for State would contend that the applicant is not entitled to any relief at this stage given the role attributed to him and his likelihood to evade the pending proceedings, if released on bail.

4.1 She would place reliance on paragraphs 9 and 10 of the status report dated 31.07.2025 to contend that pursuant to the disclosure statement of co-accused Sandeep, search was conducted at the house of the applicant and from the kitchen four transparent polythene having powder weighing 400 gms was recovered from the applicant's house which were taken into possession.

4.2 The learned APP for State further submitted that the recovered material from the house of the applicant was sent to the FSL and result was received as positive.

5. I have heard the submissions of both sides and there may be some substance in the arguments of the learned counsel for the applicant addressed on merits qua the non-culpability of the applicant, but the same can be adjudicated only in the course of trial. However, at this stage, I am of the considered view that the applicant deserves to be released on bail during the pendency of the trial, for the reasons stated hereinafter.

6. On a query put to the learned APP for State regarding any CDR connectivity of the applicant herein with the other co-accused persons, who are currently under custody, she states under instructions of the Investigating Officer that as far as the applicant herein is concerned no such incriminating material qua his CDR details was found.



7. As regards the apprehension of tampering with evidence, it is pertinent to note that the material evidence has already been seized and is securely in the custody of the prosecution, rendering such apprehension illusory.

8. As per Nominal Roll dated 31.07.2025, the applicant has already been in custody for approximately 2 years and 7 months as on the date of the nominal roll and the trial is moving at a snail's pace. Prolonged pre-trial detention, coupled with the slow progress of proceedings, is another contributory factor for bail in the case in hand.

9. Furthermore, as per nominal roll there are no criminal antecedents and it transpires that the applicant is a young man with a family living in Delhi and hence, does not appear to be a flight risk.

10. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception, particularly when the accused does not pose a flight risk or a threat to the integrity of the trial.

11. My attention has also been drawn by the learned counsel for the applicant on an order of the Co-ordinate Bench dated 25.03.2025 **Bail Application 3810/2024** titled **Najir Hussain vs. State Through SHO Special Cell**, wherein, alleged recovery of 4 kg of heroin was made and the applicant therein was accorded concession of bail.

12. As an upshot and taking wholesome view of the matter, I am of the considered view that the applicant deserves to be released on bail during the pendency of the trial.



13. Accordingly, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.

14. Nothing observed herein above shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposing of the present bail application. In case 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.

15. Accordingly, the bail application along with pending application stands disposed of.

ARUN MONGA, J

SEPTEMBER 8, 2025/SV