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

+ **BAIL APPLN. 2718/2025**

MOHD NASRUL

.....Petitioner

Through: Mr. Pramod Kumar, Mr. Avdesh Kumar, Mr. Sumit Kumar, Mr. Rahul Singh, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for State with SI Jagbir, Anti Narcotic Cell North.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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04.11.2025

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C./483, BNSS 2023 seeking regular bail in FIR No. 305/2025, under Section 21/29 of NDPS Act registered at PS-Kotwali.
2. The case of the prosecution is that on 02.04.2025, H/Ct. Naresh along with Const. Dharmender and Const. Deepanshu were patrolling near Metro gate no. 1 at Kachcha Bagh, Kotwali where an informant informed about the movement of three drugs traffickers dealing in Narcotics and controlled substances. All three accused persons namely, (i) Uttam; (ii) Mohd. Nasul (petitioner herein) and (iii) Rajbhan, were apprehended.
3. After following due procedure, search of the accused persons was conducted. Upon search of accused Uttam, a recovery of 18 viles of Avil (10 ml each), 23 Dispovan needles and 31.74 gram of heroin was made.



From accused Rajbhan, 13 viles of Avil (10 ml each), 3 needles and 18.03 gram of heroin was recovered. Likewise, from accused Mohd. Nasrul 11 viles of avil (10 ml each) and 22.40 gram of heroin was recovered.

4. Mr. Pramod Kumar, the learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 02.04.2025 and the quantity of contraband recovered from him individually as well as the total recovery made from all the three accused persons is of intermediate quantity, therefore, section 37 of the NDPS Act, 1985 is not attracted in the present case.

5. He further contends that the petitioner has clean antecedents and there is no previous involvement in any NDPS case or other criminal case.

6. On being queried, Ms. Richa Dhawan, learned APP appearing on behalf of the State, on instructions from the IO who is present in Court, fairly states that there is no previous involvement of the petitioner and the quantity recovered from the petitioner individually as well as total quantity recovered from all the accused taken together, is of intermediate quantity.

7. It is also not in dispute that the antecedents of the petitioner are clean and there is no previous involvement.

8. In view of the above, this Court is of the view that the petitioner has made out a case for grant of regular bail.

9. Accordingly, the petitioner is admitted to regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/-, with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

(a) The petitioner shall appear before the Court as and when the matter is taken up for hearing.



(b) The petitioner shall provide a mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

(c) The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.

10. It is clarified that the observations made hereinabove are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

11. The petition is disposed of in the above terms.

12. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

13. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 4, 2025/jg