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

+ **BAIL APPLN. 3284/2025**

SURAJ @ SUNNY

.....Petitioner

Through: Appearance not given.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.12.2025

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1. First Application under Section 483 read with Section 528 BNSS has been filed on behalf of the Applicant Suraj @ Sunny seeking Regular Bail in FIR No.0139/2025 under Sections 21/29/61/85 NDPS Act, registered at PS: Model Town, Delhi.
2. It is submitted that the Applicant is in judicial custody since 26.03.2025, as 09 gram of Heroin (intermediate quantity) was recovered from his possession.
3. Bail is sought on the ground that four co-accused have already been admitted to Bail and quantity recovered from the Applicant is intermediate quantity and therefore, embargo of Section 37 NDPS Act is not applicable in this case.
4. There is no offence made out against the Applicant, as the disclosure statement of co-accused is not a substantive piece of evidence. Chargesheet has also been filed against him. There is violation of mandated provisions of NDPS Act with respect to the prosecution's case.
5. It is further submitted that the Applicant stands on the same footing, as



of co-accused Nasruddin and Vijay, who have already been granted Bail. Applicant undertakes to abide by any condition imposed while granting Bail. Hence, prayer is made for grant of Bail.

6. **Status Report** has been filed on behalf of the State, wherein the details of investigations and apprehension of the Applicant and other co-accused have been mentioned.

7. **Bail is opposed** on the ground that recovered quantify of 09 grams of Smack was in Applicant's conscious possession. There are WhatsApp chats indicating regular dealing and co-ordination between multiple accused. Applicant was previously involved in several cases. Offence is serious and punishable under NDPS Act. There is strong likelihood that if he is released on Bail, he may abscond, tamper with the evidence or influence the witnesses.

Submissions heard and record perused.

8. There is recovery of intermediate quantity of 09 grams of Smack from the Applicant's possession. The ground to oppose the Bail, essentially is that Applicant has previous involvements in 10 cases, including one conviction in FIR No.0199/2011 under Sections 458/380/411 IPC, registered at PS: Gokul Puri, Delhi.

9. Record shows that previous involvements are in various offences, including house theft, robbery and murder, etc. but, there is no previous involvement under NDPS Act. Previous FIR cannot be a ground to deny the Bail in present case, as they also are not reflective of there being any likelihood of the Applicant committing similar offences, if released on Bail.

10. Three co-accused, from whom recovery of intermediate quantity was made, have already been granted Bail. Fourth co-accused has been granted Bail, as no recovery of any contraband was effected from him possession.



11. Pertinently, though the Chargesheet has been filed in this case, but the Charges are yet to be framed on account of non-availability of FSL Report, which is likely to take long.

12. Considering the totality of the circumstances, the Petitioner/Accused is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.50,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

13. A copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

14. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

DECEMBER 2, 2025/R