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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4046/2024**
SONIA NAGIYA @ RENUApplicant

Through: Mr. Kundan Kumar and Mr. Randhir
Kumar, Advocates.

versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Mukesh Kumar, APP.
SI Dev Kumar, ANTF, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
07.01.2025

1. The present application has been filed seeking regular bail in FIR No. 80/2024 dated 15th April, 2024, registered at Police Station Crime Branch (Central), under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.¹
2. Mr. Kundan Kumar, Counsel for the Applicant, submits that the Applicant, a widow with three minor children, has been in judicial custody since 05th September 2024. He contends that no contraband has been recovered from the Applicant, and the sole evidence presented against her consists of the disclosure statement of the co-accused and the Call Detail Records² between the Applicant and the co-accused. He also notes that while the charge sheet has been filed, charges have not yet been framed.

¹ "NDPS Act"



Counsel further highlights that the prosecution has cited a total of 31 witnesses, and that the trial is expected to take a considerable amount of time. In light of these circumstances, he submits that the Applicant should be granted bail under Section 37 of the NDPS Act.

3. Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application. He submits that the Applicant has a history of multiple criminal antecedents. He states that she failed to cooperate with the investigation, resulting in the issuance of a Non-Bailable Warrant against her. He further states that proceedings under Section 82 of the Bharatiya Nagarik Suraksha Sanhita, 2023 were initiated against her. Mr. Kumar also highlights that financial transactions have been identified between the Applicant and the co-accused, Anil, as well as with Shambhu, the Applicant's brother-in-law, who is allegedly involved in assisting her with drug trafficking. In light of the quantum of recovery of contraband from the co-accused and the serious nature of the offence, Mr. Kumar argues that the provisions of Section 37 of the NDPS Act must be carefully considered. He adds that the investigation in the case is still ongoing, with strong evidence linking the Applicant to a drug trafficking network. Furthermore, efforts to apprehend other co-accused are in progress. In these circumstances, Mr. Kumar asserts that the Applicant should not be granted bail.

4. The Court has duly considered the contentions raised by the parties. Admittedly, no recovery has been effected at the instance of the Applicant in the present case. The evidence to link the Applicant with the alleged recovery from the co-accused is the disclosure statement made by the co-accused. Additionally, although the Prosecution has alleged CDR

² "CDR"



connectivity between the Applicant and other co-accused, no transcript of the conversations has been presented. The Applicant is in judicial custody since 05th September, 2024; chargesheet in the present case has already been filed, and the Applicant is not required for any further investigation. In view of the said facts and circumstances, and without commenting on the merits of the case, the Court is of the opinion that the requirements for granting bail under Section 37 of the NDPS Act stand satisfied in the present case.

5. It is accordingly directed that the Applicant shall be released on regular bail on furnishing a personal bond in the sum of INR 50,000/- along with one surety of the like amount to the satisfaction of the concerned Court/Metropolitan Magistrate, subject to the following conditions:

5.1 The Applicant will not leave the country without prior permission of the Court.

5.2 The Applicant shall provide permanent address to the Trial Court. The Applicant shall intimate the Court by way of an affidavit and to the IO regarding any change in her residential address.

5.3 The Applicant shall appear before the Court as and when the matter is taken up for hearing.

5.4 The Applicant shall join investigation as and when called by the concerned IO.

5.5 The Applicant shall provide all mobile numbers to the concerned IO, which shall be kept in working condition at all times. The Applicant shall not switch off her phone or change her mobile number without prior intimation to the concerned IO.

5.6 The Applicant will report to the concerned IO on the second and fourth Friday of every month, at 4:00 PM, and will not be kept waiting for



more than an hour.

5.7 The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

6. Needless to state, any observations concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.

7. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.

8. With the foregoing directions, the present application is disposed of. Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

JANUARY 7, 2025

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