



2025:DHC:2819



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 22.04.2025*

+ BAIL APPLN. 4431/2024

CHAND BALA KINNAR

.....Petitioner

Through: Mr. L.N. Rao, Mr. Rubal
Mongia and Mr. Sandeep
Rohilla, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Meenakshi Dahiya, APP
for State.

CORAM:**HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J.(ORAL)**

1. The present application under Section 439 of the Criminal Procedure Code, 1973 (CrPC) has been filed by the petitioner/applicant, seeking Regular Bail in FIR No.93/2024 dated 03.02.2024 registered at Police Station Rajouri Garden, Delhi for the offences punishable under Section 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The case of the prosecution is that on 02.02.2024, SI Rajender Prasad, posted with the Narcotics Squad, West District, Delhi, received secret information from an informer to the effect that one

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Khokan Burman, along with an associate, would be supplying *Ganja* near Woodland Park, Tagore Garden.

3. The said information was conveyed to the senior officer, and the same was duly lodged *vide* DD No. 14 in the Daily Diary of the Narcotics Squad, West District, for compliance with Section 42 of the NDPS Act. Subsequently, a team comprising SI Rajender Prasad, HC Manjeet, HC Dinesh, and Ct. Kashiram was constituted. The team positioned itself near the gate of Woodland Park, Tagore Garden. At approximately 09:40 PM, two persons, carrying bags in their hands and on their backs, were seen approaching from the Subhash Nagar side. As they crossed the vehicle, they were recognized by the informer. Both individuals were subsequently apprehended and were identified as Khokan Burman and Chhalimuddin.

4. After compliance with Section 50 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act), a search was duly conducted, during which the bags carried by the accused persons were checked. From Khokan Burman, a total of 19.949 kgs of *Ganja* was recovered, and from Chhalimuddin, 12.388 kgs of *Ganja* was seized, thereby totalling 32.349 kgs. The contraband was then seized, properly stored, and sealed by the raiding party. A *rukka*, along with the sealed exhibits and the Notice under Section 55 of the NDPS Act, was handed over to HC Dinesh for the purpose of registering the case. This led to the registration of the present FIR.

5. During the course of the investigation, Khokan Barman and Chhalimuddin were arrested in the case. On the basis of information



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provided by these individuals, a raid was carried out at the residence of their associates, namely Chand Bala Kinner (the petitioner herein) and Jamila Bibi. Following the compliance with Section 42/50 of the NDPS Act, a search of their house was conducted, resulting in the recovery of a total of 5 kg, 87 Gms of *Ganja* from their possession. Subsequently, both Chand Bala Kinner and Jamila Bibi were also arrested in the present case.

6. After completion of investigation, Charge-Sheet of the present case has been filed before the learned Trial Court.

7. The learned counsel for the petitioner submits that the co-accused, namely Chhalimuddin, has been granted bail in the present FIR *vide* judgment dated 01.04.2025, passed by this Court in Bail Application 3017 of 2024 titled ***Chhalimuddin vs State of NCT of Delhi***. Based on this, the learned counsel prays that, on the principle of parity, the petitioner be granted regular bail. He submits that the petitioner is in custody since 03.02.2024 and has clean antecedents.

8. The learned APP for the State has opposed the Bail Application submitting that the contraband was separately recovered at the instance of the petitioner from his residence and the trial is yet to commence and prayed for dismissal of Bail Application.

9. What emerges from the record is that the petitioner, along with another individual, was found in possession of 5 kg 87 gms of *Ganja* when a search of their house was conducted. Bail has already been granted by this Court to the co-accused in the present FIR, who was found in possession of 12.388 kgs of *Ganja*. In contrast, the petitioner



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is found to be in possession of a lesser quantity, i.e., 5 kgs and 87 gms, along with another co-accused.

10. As per the Nominal Roll, jail conduct of the petitioner is 'Satisfactory' and he has been in judicial custody for about 1 year and 3 months, since the date of his arrest, that is, 03.02.2024. The record also reflects that the petitioner has not been previously involved in any other crime and that he has clean antecedents.

11. In view of the above, and considering that the trial has yet to commence, the petitioner is granted regular bail upon furnishing a personal bond in the sum of Rs. 30,000/- with one surety in the like amount, to the satisfaction of the learned Trial Court / CMM / Duty Magistrate, subject to the following conditions:-

- i. The Petitioner shall not leave India without prior permission of the learned Trial Court.
- ii. The Petitioner is directed to give all his mobile numbers to the Investigating Officer and keep it operational at all times.
- iii. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other person acquainted with the facts of case. The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.



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iv. The Petitioner shall report at the Police Station Rajouri Garden, Delhi on every Friday between 4:00 PM to 6:00 PM. The concerned officer shall release the Petitioner after recording his presence and after completion of all the necessary formalities.

v. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.

vi. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.

12. Needless to state, any observation made hereinabove shall not tantamount to be an expression on the merits of the case before the learned Trial Court and has been made for the consideration of the present Bail Application alone in the prevailing circumstances.

13. Copy of the order be sent to the Jail Superintendent concerned for information and necessary compliance.

14. Accordingly, the petition, along with the pending application, is disposed of.

SHALINDER KAUR, J

APRIL 22, 2025/SU/SK

Click here to check corrigendum, if any

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