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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4449/2024**
SAHANA BEWA @BHURI @RUKSANAPetitioner
Through: Mr. Suraj Prakash Sharma, Advocate.
versus
THE STATE (N.C.T. OF DELHI)Respondent
Through: Mr. Tarang Srivastva, APP for the
State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
24.02.2025

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.210/2024 dated 13.04.2024 registered under sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') at P.S.: Jahangir Puri, Delhi.

2. Notice on this petition was issued on 04.12.2024.
3. Status Report dated 16.01.2025 has been filed in the matter.
4. Nominal Roll dated 13.01.2025 has also been received from the concerned Jail Superintendent.
5. Mr. Suraj Prakash Sharma, learned counsel appearing for the petitioner submits, that as would be seen from a perusal of the subject FIR, the petitioner has been arrested for possession of 8.91 grams of 'smack'.
6. Counsel submits, that the threshold for 'small' quantity of smack is 5 grams and for 'commercial' quantity is 250 grams; and that therefore,



the petitioner has been allegedly found in possession of contraband *just above* 'small' quantity.

7. Mr. Sharma submits, that the petitioner is a lady, who is about 41 years of age, and has a daughter-in-law to look after, since she has lost her son on 23.08.2024, while she has been in custody.
8. Counsel submits, that the petitioner has suffered judicial custody of almost 08 months as an under-trial; and though the nominal roll reflects her involvement in another case under section 21 of the NDPS Act, she is on bail in that case.
9. It is pointed-out, that the petitioner had availed interim bail granted by the learned Special Judge from 18.07.2024, which was subsequently extended; that the petitioner duly surrendered back to custody on 22.09.2024; and there is no allegation that she misused the liberty granted.
10. Mr. Tarang Srivastva, learned APP appearing for the State submits, that though the quantity of smack recovered from the petitioner in the present case is 8.91 grams, she is a repeat offender, inasmuch as she is also implicated in another case under section 21 of the NDPS Act; and that therefore, the petitioner does not deserve to be granted regular bail.
11. The court is informed that investigation in the matter is complete; chargesheet has been filed; charges have been framed; but only 01 out of 13 prosecution witnesses has so far been examined before the learned trial court.
12. Upon an overall consideration of the facts and circumstances of the case, and in particular the fact that the petitioner is a lady and has



been allegedly found in possession of an intermediate quantity of 8.91 grams of smack; that she has suffered judicial custody of about 08 months as an under-trial; and only 01 out of 13 prosecution witnesses has so far been examined, this court is persuaded to grant to the petitioner – ***Sahana @ Bewa @ Bhuri @ Ruksana w/o Md. Aakeel*** – *regular bail* pending trial, subject to the following conditions :

- 12.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;
- 12.2. The petitioner shall furnish to the Investigating Officer/S.H.O. a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 12.3. If the petitioner has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 12.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons 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; and
- 12.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.



13. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
14. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
15. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
16. The petition stands disposed-of in the above terms.
17. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 24, 2025

V.Rawat