

PS- (Sun Light Colony)
u/s 20/61/85 of NDPS Act

11.09.2025

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Manish for grant of regular bail.

Present : Sh. S. K. Kain, Ld. Addl. PP for the State.

Sh. Aditya Aggarwal along with Ms. Kajol Garg and

Sh. Naveen Panwar, Ld. Counsel for the

applicant/accused.

IO/SI Parmal Singh is present.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Manish. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 04.08.2025 and that he has been falsely implicated in the present matter as he has nothing to do with the alleged offences. Ld. Counsel further submitted that nothing incriminating has been recovered either from the possession of the applicant/accused or at his instance and the recovery, if any, the same was falsely planted upon him. Ld. Counsel further submitted that the alleged recovery from the applicant/accused is 7.314 kg 'ganja' which falls under intermediate quantity and the bar of Section 37 NDPS

Act would not be applicable in the present case. Ld. Counsel further submitted that investigation in the present matter has already been completed and therefore, no fruitful purpose would be served by keeping him behind the bars. Ld. Counsel thus, submitted that accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail. In support of his submissions, Ld. Counsel placed reliance on the following cases:

i). Narsimman vs. State of NCT of Delhi Bail Application No. 3863 of 2022 decided on 09.02.2023;

ii). Gajender Bahadur vs. State of NCT of Delhi Bail Application No. 3655 of 2022 decided on 31.01.2023;

iii). Sunil vs. State Bail Application No. 495 of 2022 decided on 28.07.2022;

iv). Soyab vs. State Bail Application No. 3655 of 2022 decided on 12.12.2022;

v). Rehmatullah @ Arman vs. State Bail Application No. 2866 of 2022 decided on 24.11.2022;

vi). Mahesh vs. State (NCT of Delhi) Bail Application No. 161 of 2025 decided on 30.01.2025;

vii). Susan Njoki vs. State Bail Application No. 3384/2024 decided on 04.02.2025;

viii). Cholpon Bisht vs. State Bail Application No. 426 of 2025 decided on 07.05.2025;

ix). Akash Bisht vs. State Bail Application No. 856 of 2025 decided on 07.05.2025;



x). Anita vs. State Bail Application No. 1538 of 2022
decided on 20.07.2022;

xi). Gaurav Chopra vs State Bail Application No. 1706
of 2024 decided on 21.01.2025; and

xii). Taimoor Khan vs. UOI (W.P.(Crl.) 1343 of 2023
decided on 10.01.2024.

3. *Per contra* Ld. Addl. PP for the State along with IO/SI Parmal Singh vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP further submitted that the allegations against the applicant/accused are very grave and serious in nature. Ld. Addl. PP further submitted that the investigation of the present case is at very nascent stage and chargesheet is yet to be filed. Ld Addl. PP further submitted that if applicant/accused is granted bail, there is strong possibility that he may jump the bail and flee from criminal justice system and that there is also a possibility that he may commit similar crime, if enlarged on bail. Ld. Addl. PP thus, submitted that accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and also perused the entire material available on record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the



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accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. During the course of arguments, it was brought to the fore that the investigation in the present matter has already been completed and no custodial interrogation of applicant/accused is required for the purpose of further investigation. The alleged recovery has already been effected from the applicant/accused. Also, the recovered quantity in the case from the possession of the applicant/accused is intermediate quantity i.e. 7.314 kg of 'ganja'. During the course of arguments, it was contended by Ld. Addl. PP that the applicant/accused has been previously found involved in other case of NDPS Act i.e. FIR No. 390/2022, PS Kalindi Kunj, u/s 20/29/61/85 of NDPS Act, however, it was fairly conceded that the applicant/accused has already been granted bail in the said case.

7. In this regard, it is apposite to reproduce that in the case of **Gaurav Chopra (supra)**, the Hon'ble High Court held that "Though this court is conscious of the allegation that the petitioner has committed the offence in the present case while he was on bail in 02 other similar cases, it also cannot be overlooked that in all 03 cases the petitioner is only an undertrial as of now and has not suffered any conviction."

8. It would also be apposite to refer the following extracts of **Rabiya @ Dulali Vs. State (NCT of Delhi) Bail**

Application No. 3203 of 2023 decided by the Hon'ble High Court of Delhi on dated 15.01.2024, whereby it was held as under:

"14. The recovery made from the applicant is even otherwise of 'intermediate quantity' and therefore, rigorous of Section 37 of the Act would not be applicable.

15. Keeping in view the above, the applicant is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount."

9. Keeping in view the aforesaid facts and circumstances and considering the quantity seized is of intermediate in nature and further that the investigation has been completed and no more custodial interrogation of accused is required, I deem it fit to grant bail to accused Manish, on his furnishing personal bond with surety bond of Rs. 25,000/- with one surety in the like amount each, subject to following conditions:

- i) The applicant/accused shall not leave the country without the prior permission of the court;
- ii). The applicant shall provide his permanent address to the court. The applicant shall intimate the court by way of an affidavit and to the IO regarding any change in the residential address;
- iii) The applicant shall appear before the court as and when the matter is taken up for hearing;
- iv) The applicant shall also furnish his mobile numbers and mobile numbers of his surety to the IO concerned, which shall be kept in a working condition at all times and shall not be switched



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off or changed without prior intimation to the IO concerned.

v) The applicant shall not communicate with or come in contact with any of the prosecution witnesses or tamper with the evidence of the case while being released on bail.

10. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

11. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

12. Copy of the order be given dasti.


(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /11.09.2025

अधिकारी चर्चा न्यायालय-०४ एवं सिंगल चार्चा (सेंट्रल ईराफ़ा) विभाग
Additional Sessions Judge-04 & Special Judge (NDPS) (South-East)
साकेत कोर्ट परिसर, नई दिल्ली
Saket Court Complex, New Delhi

