

भावना कालिया
BHAVNA KALIA
एल न्यायाधीश (एन.डी.पी.एस.)-01
Special Judge (NDPS)-01
कोर्ट नं 610, छठा तल
Court No. 610, Sixth Floor
द्वारका न्यायालय (द.प.), नई दिल्ली
Dwarka Court, (S-W) New Delhi

SC 654/2025
STATE Vs. GAURAV YADAV
FIR No. 81/2025
PS Crime Branch- S.W.Delhi
U/S 22/25 NDPS ACT
CNR No. DLSW01-009536-2025

16.10.2025

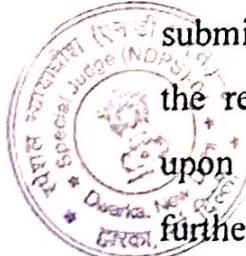
**This is an application u/s 483 BNSS moved on behalf of applicant/accused
Ayush Chaurasiya for grant of regular bail.**

Present: Sh. Pramod Kumar, Ld. Addl. PP for the State.
Ms. Shivani Chauhan, Ld. counsel for applicant/accused
through VC.

Reply already filed. Copy already supplied.

Arguments already heard.

It is submitted by Ld. Counsel for the accused/applicant that accused/applicant is falsely implicated in the present case. It is further submitted that applicant is a young boy of 21 years and has clean antecedents. It is further submitted that commercial quantity of Methamphetamine is 50 gram and as per prosecution case the alleged recovery of 17 gram of Methamphetamine was effected from applicant/accused which is an intermediate quantity and therefore rigor of section 37 NDPS Act is not applicable to the applicant/accused. It is further submitted that recovery made from co-accused persons cannot be added to the recovery made from the applicant/accused, reliance has been placed upon various judgements, annexed with the present bail application. It is further submitted that no independent witnesses were called at the spot at the



2.

time of recovery. It is further submitted chargesheet has already filed in the present case. It is further submitted that applicant/accused is ready to abide by all the conditions which may be imposed upon him and therefore, it is requested that he may be granted bail.

On the other hand, Ld. Addl. PP has opposed the bail application on the basis of reply filed by IO stating that total quantity of 61 gram of Methamphetamine (which is commercial quantity) was recovered from all the accused persons and he has also relied upon Judgement of **Ishika Vs. State, Bail Application no. 371/2021** decided by Hon'ble High Court of Delhi on 03.03.2021, stating that total quantity recovered has to be considered for the purpose of bail and specific separate quantity recovered from each accused cannot be considered for the purpose of bail, and hence, it is prayed that applicant may not be granted bail.

At the outset, it is clarified that the recovery, as per FSL report, is Methamphetamine and not MDMA.

Submissions considered. Record perused. Court has gone through the various judgements relied upon by both the parties.

On perusal of judgement of **Ishika Vs. State**, it is seen that there were a specific allegations of conspiracy between all the accused persons supported by evidence. Facts of the present case are different and it is mentioned in the reply of the IO that on the basis of the secret information, applicant/accused was apprehended with other co-accused persons from the spot and separate recoveries were made from applicant/accused and other co-accused persons. No other allegations appear to have been made as of now which could cover the case of the applicant/accused within the parameters of the judgement in **Ishika Vs. State (Supra)**.

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The record reveals that commercial quantity of contraband was recovered at the spot from the all the accused persons. Even though the entire recovery of contraband in the matter is of commercial quantity however recovery made from the applicant is only about 17 gram of Methamphetamine as alleged by the prosecution which is intermediate quantity. No other evidence has come on record to show conspiracy between the accused persons. Order relied on is of Hon'ble High Court of Delhi in **Chandan Kumar Vs. State (NCT of Delhi)** dt. 27.11.2024 to hold that if recovery from applicant is of intermediate quantity in a commercial quantity recovery case, then granting of bail can be considered. Perusal of records shows that investigation in the present case is already complete qua the applicant, recovery has already been effected and charge-sheet has been filed and therefore, no purpose would be served by keeping the applicant behind the bars for indefinite period.

Considering the above stated, this Court is inclined to grant bail to the present applicant/accused. Accordingly, the application stands allowed. **Applicant/accused Ayush Chaurasiya S/o Santosh Chaurasiya is hereby granted bail** on furnishing personal bond in sum of Rs. 50,000/- with one surety of like amount to the satisfaction of the Court. Accused is directed to not get involved in similar offence, else his bail may be reconsidered. He is directed to appear before the Court on each and every date.

Application stands disposed of accordingly.

Copy of this order be given dasti to Ld. counsel for applicant, if prayed for. Copy of this order be also sent to Jail Superintendent for information and compliance.



4.

No observations are made on the merits of the case.



(Bhavna Kalia)
—S1—
Spl. Judge (NDPS)-01/Dwarka Courts/SW
स्पेशल जूडज (एनडीपीएस)-01
New Delhi/16.10.2025
Special Judge (NDPS)-01
द्वारका न्यायालय (द.प.), नई दिल्ली
Dwarka Courts, (S-W) New Delhi