

Regular Bail Application
FIR No. 37/21, State Vs. Dinesh @ Tinda
PS Crime Branch, U/s 21 NDPS Act

20.11.2025

Present: Sh. K.P. Singh, Ld. Addl. PP for State.
Sh. R.K. Saini, Ld. Chief LADC for applicant/
accused.
IO SI Bishan in person.

Reply to the bail application is already filed. Copy already supplied.

Arguments heard on the bail application of the applicant/ accused.

Ld. Chief LADC for the applicant/ accused submits that the matter pertains to the year 2021. He further submits that the charge has already been framed and matter is at the stage of PE. He further submits that till date, only five witnesses have been examined and there are total 14 witnesses. Thus according to him, it will take time to examine the remaining witnesses. He further submits that there is considerable delay in completion of trial, then, applicant/ accused is entitled to be admitted to bail, even if the commercial quantity of Heroin has been recovered from the possession of the applicant/ accused. In support of his contention, he relies upon *Mohd. Muslim @ Hussain Vs. State (NCT of Delhi), 2023(1) TVT 358 (SC)*. Therefore, he requests that the applicant/ accused may be admitted to bail.

Per contra, Ld. Addl. PP for the state as well as IO have vehemently opposed the bail application stating that the allegations against the applicant/ accused are serious in nature. They further submit that the commercial quantity of Heroin i.e. 300 gram Heroin was recovered from the possession of the

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applicant/ accused. They further submit that the sole ground of delay in trial does not entitle the applicant/ accused to be released on bail. Ld. Addl. PP for the state relies upon *Union of India Vs. Vigin K. Varghese, SLP (Crl.) No. 7768/2025, decided on 13.11.2025*. Therefore, they request that the bail application should be dismissed.

Submissions considered. Record perused.

Ld. Chief LADC for applicant/ accused has contended that applicant/ accused is in JC from last about more than three and half years and trial will take time as still about nine witnesses are yet to be examined. In support of his contentions, he has relied upon *Mohd. Muslim @ Hussain Vs. State (NCT of Delhi) (supra)*.

As per the facts of the case, 300 gram Heroin was recovered from the possession of the applicant/ accused, which is a commercial quantity, therefore, Section 37 of NDPS Act is applicable.

In *Union of India Vs. Vigin K. Varghese (supra)*, the Hon'ble Supreme Court of India has inter alia held to the effect that the long incarceration of accused in JC cannot be the sole ground of admitting the accused on bail.

The Ld. Chief LADC has not argued on the merits of the case, therefore, in view of the aforesaid judgment of the Hon'ble Supreme Court of India, the sole ground of long incarceration does not entitle the applicant/ accused to be admitted to bail.

Since, Ld. Chief LADC has not argued on the

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merits, therefore, no opinion can be given on the merits of the case. Therefore, considering the overall facts and circumstances of the case, I do not find any merits in the present bail application of the applicant/ accused. Accordingly, the bail application of the applicant/ accused **Dinesh @ Tinda** stands **dismissed**.

The observations made on the merits of the case are purely for the purposes of deciding the present bail application and shall not be construed as expression upon the merits of the case.

Copy of the order be given *dasti* to the IO, Ld. Counsel for applicant/ accused and be communicated to the applicant/ accused in Jail through Jail Superintendent concerned.

(Virender Singh)
Special Judge, NDPS,
Central, THC, Delhi/20.11.2025