

Regular Bail Application
FIR No. 296/25, State Vs. Parvinder @ Sunny
PS Civil Lines, U/s 21 NDPS Act

03.09.2025

This is an application U/s 483 of BNSS, 2023 seeking grant of regular bail to the applicant/ accused.

Present: Sh. K.P. Singh, Ld. Addl. PP for the State.
Sh. Amjad Khan and Sh. Nikhil Singh, Ld. counsels for applicant/ accused.
IO SI Sanjeet Kumar in person.

Reply to the bail application is filed. Copy supplied.

IO is warned to be careful in future as he was absent on the last date of hearing.

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

Ld. counsels for the applicant/ accused submit that the applicant/ accused is falsely implicated in this case. They further submit that allegedly, 03 *Pudias* of Heroin were recovered from the possession of the applicant/ accused. They further submit that police was supposed to take samples of each *Pudias* separately but police had mixed all the *Pudias* and thereafter, took the sample and according to them, police has violated the rules to take the sample.

They further submit that at the time of recovery, police has not done videography or photography and it has not joined any public witness and thus, they have violated the guidelines imposed by the Hon'ble Supreme Court of India. They further submit that applicant/ accused is in JC since 16.05.2025. They have relied upon the judgment of the Hon'ble High Court of Delhi titled as *Sovraj Vs. State Govt. of NCT of Delhi, Bail*

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Appln. 2537/2023, decided on 08.07.2024. Therefore, they request to admit the applicant/ accused on regular bail.

Per contra, Ld. Addl. PP for the state as well as IO have vehemently opposed the bail application stating that 11.18 gram Heroin was recovered from the possession of the applicant/ accused. They further submit that the videography of recovery of contraband was done. Sampling was also correctly taken as per Section 52A of NDPS Act. They further submit that the applicant/ accused is involved in other 07 cases including 02 other cases under NDPS Act. They further submit that accused/ applicant is a habitual offender and therefore, bail application should be dismissed.

In rebuttal, Ld. counsel for applicant/ accused submits that the procedure to be adopted at the time of arrest and procedure at the time of sampling U/s 52A of NDPS Act are different. Police has not joined the independent witness at the time of arrest as well as recovery from applicant/ accused. He further submits that out of 07 cases, 03 cases have already been disposed of.

Submissions considered. Record perused.

As per reply filed by the IO, applicant/ accused is registered Bad Character of PS Gulabi Bagh and he is involved in 07 criminal cases including 02 cases under NDPS Act. 11.18 gram Heroin was recovered from his possession during investigation of this case. Thus, prima facie, the applicant/ accused is a habitual offender. The allegations against the applicant/ accused are serious in nature. It is well settled that the

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nature and gravity of accusation, severity of the punishment, danger of the accused absconding, reasonable apprehension of the witnesses being influenced, prime facie case against the accused, danger to the society etc. are factors which have to be kept in mind while exercising powers for grant of bail. In my considered opinion and owing to the given facts and circumstances of the case, I am not inclined to grant bail to the applicant/ accused at this stage. The precedent relied upon by the learned counsel for applicant/ accused is respectfully differentiated and is of, therefore, no help to him. Accordingly, bail application of the applicant/ accused **Parvinder @ Sunny** 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 as well as to the Ld. Counsel for applicant/ accused and be communicated to the applicant/ accused through Jail Superintendent for information.

(Virender Singh)
Special Judge, NDPS-02,
Central, THC, Delhi/03.09.2025