

Regular Bail Application
STATE Vs. Neha @ Moti,
FIR NO. 255/24, PS Civil Lines,
U/s 21/29 NDPS Act & 78 JJ Act.

23.07.2025

Present: Sh. Kamal Akhtar, Ld. Addl. PP for State.
Sh. S.P. Sharma, Ld. Counsel for accused with
mother of the applicant/ accused.
IO ASI Arun Singh in person.

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

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

Ld. Counsel for applicant/ accused submits that
firstly, co-accused persons namely Akash and Wilson were
arrested and on their disclosure statements, applicant/ accused
was arrested. He further submits that the police has planted 272
gram Heroin upon the applicant/ accused and thereafter, she was
arrested but no grounds of arrest were supplied to her.

He further argues that co-accused Akash has already
been admitted to interim bail by this Court on the ground that he
was not provided grounds of arrest, therefore, applicant/ accused
may also be admitted to bail.

Per contra, Ld. Addl. PP for the state as well as IO
have opposed the bail application stating that 272 gram Heroin
was recovered from the house of the applicant/ accused and total
570.1 gram Heroin was recovered in this case. They further
submit that the quantity recovered from the applicant/ accused is
commercial in nature and therefore, Section 37 NDPS Act is
applicable. They further submit that earlier, applicant/ accused
was admitted to interim bail, which was extended on some

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occasions but she jumped the interim bail. They further submit that the applicant/ accused had involved a minor for supplying the contraband and Section 78 JJ Act has been made against her. Applicant/ accused is also involved in other two cases of similar nature.

In rebuttal, Ld. Counsel submits that the applicant/ accused is already on bail in the aforesaid both alleged cases.

Submissions considered. Record perused.

At the outset, without going into the merits of the case, it is observed that the grounds of arrest were not supplied to the applicant/ accused by the IO. Though, reasons of arrest were informed to him as mentioned on the backside of the arrest memo. Therefore, purely on technical grounds, applicant/ accused **Neha @ Moti** is admitted to **interim bail subject to outcome of Mihir Rajesh Shah Vs. State of Maharashtra, in SLP No. 17132/2024** on furnishing personal bond in a sum of Rs. 50,000/- with one surety in the like amount and subject to following conditions :-

- (i) That applicant/ accused shall not, directly or indirectly, make any inducement, threat or promise to the complainant or any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (ii) That applicant/ accused shall upon her release provide her mobile number to the IO/ SHO and keep her such mobile 'Switch On' at all times.
- (iii) That applicant/ accused shall intimate to the IO/ SHO about any change in her mobile number or address;
- (iv) The applicant/ accused will not influence the witnesses nor tamper with any evidence;

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(v) That applicant/ accused shall not leave the country without permission of the Court;

(vi) That applicant/ accused shall appear on each and every date of hearing before the Court.

It is hereby clarified that if the Hon'ble Apex Court conclude that there is no requirement of supply grounds of arrest to the accused in all cases, then applicant/ accused shall surrender before the Court and she will be sent to JC. The bail application will be decided after the disposal of the abovesaid SLP.

Copy of the order be given dasti to the learned counsel for applicant/ accused as well as IO concerned. Another copy be sent to the concerned Jail Superintendent for information.

(Virender Singh)
Special Judge, NDPS-02,
Central, THC, Delhi/23.07.2025