

IA2/25 SC320/25
FIR126/25
STATE V SANJAY RAWAT
PS Special Cell

26.12.2025

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. Ronak Bhalotia, Ld. counsel for
applicant/accused.

Arguments heard.

Vide my separate order of even date, the present application is allowed and disposed of accordingly.

Copy of the order be given *dasti* as well as be sent to jail superintendent for supplying the same to accused in jail.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
26.12.2025

**IN THE COURT OF ATUL AHLAWAT
ADDL. SESSIONS JUDGE, NDPS ACT (SPECIAL
JUDGE) NEW DELHI DISTRICT, PATIALA HOUSE
COURTS, NEW DELHI**

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ORDER

1. Vide this order, I shall dispose of the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Sanjay Rawat for grant of regular bail. Reply filed by the IO.

2. It is submitted by Ld. Counsel for applicant/accused that accused/applicant was arrested on 18.04.2025 in the present case FIR, without following the mandatory provisions of the law. There has been complete non-compliance of the Section 47 of BNSS, Section 52 of the NDPS Act and Article 22(1) of the Constitution of India.

3. It is submitted by the Ld. Counsel for the applicant/accused that no recovery ever took place from the applicant/accused and he has been falsely implicated. The case

property as falsely shown as 0.857 Kg of *opium* was planted upon him. There is no independent public witness and no photography or videography of the search and seizure was conducted. The alleged seizure is effected from busy area in broad day light, yet no efforts were made by the IO to procure the CCTV Footage of the cameras installed in the nearby areas. The applicant/accused is having absolutely clean antecedents is the sole earning member of the family. The recovery of 5.122 Kg of opium and 3.537 Kg of charas from the co-accused Jasmer Singh and Raj Kumar cannot be clubbed with the recovery effected from the applicant/accused, so as to bring the case within the ambit of commercial quantity. He is ready to abide with any conditions that this court may impose upon the applicant.

4. Per contra, it is submitted by the Ld. Addl. PP for the State duly assisted by the IO that the applicant/accused was found in conscious possession of the contraband. The field testing kit was used and the seized contraband came out positive for *opium*. The investigation is still pending and charge-sheet is yet to be filed. The FSL result is still awaited. If released on bail, he may abscond and also return back to the nefarious activities of illegal drug trade. Therefore, the present application is strongly opposed.

5. After considering the rival contention of the parties, considering the facts & circumstances of the present case and considering the fact that the total weight of the contraband recovered from the possession of the applicant/accused was of intermediate quantity. Therefore, the rigours of Section 37 of the Act does not apply. Reliance is placed on the decisions of Hon'ble Supreme Court of India in ***"Sami Ullaha Vs. Superintendent"***, NCB, AIR 2009 SC 1357 and ***"State of West Bengal Vs. Rakesh Singh"***, MANU/SC/0854/2022. Furthermore, the applicant/accused is not involved in any other case. There is no other recovery that is to be effected in the present case. The charge-sheet has not been filed and the FSL result is still awaited and trial may take long time. Furthermore, there is no allegation against the applicant/accused of any link with the recoveries effected from the co-accused persons. It was specifically disclosed by the co-accused Jasmer Singh that the applicant/accused and one Kala had gone to Raxual Border to collect another consignment of the NDPS substances. The recovery of 1.022 Kg of opium from co-accused Kala and 0.857 Kg of opium from the applicant/accused are separate and distinct recoveries from the earlier recoveries effected from the other accused persons. The same cannot be clubbed with the recoveries

effected on 18.04.2025. Reliance is placed on the decision of Hon'ble High Court of Delhi in '*Meena v. State (GNCTD)*', *2025 SCC OnLine Del 5247*. Therefore, in my considered opinion, he has made out his case for regular bail. Hence, the applicant/accused Sanjay Rawat is admitted to regular bail on following conditions:-

- (i) On furnishing of personal bond of **Rs. 50,000/- with two local sureties** of the like amount, to the satisfaction of this Court/Ld. Link Judge/Ld. Duty JMFC.
- (ii) He shall deposit his passport, if not already deposited/impounded and he shall not leave the country without the permission of this Court.
- (iii) He shall duly join the investigation, as and when called upon by the IO, since the investigation is still pending and he shall not try to tamper the evidence or hamper the trial or try to influence the witnesses, in any manner.
- (iv) He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the SHO concerned.

(v) He shall mark his attendance in the PS concerned, on the first Monday of each calendar month, till the investigation is completed and the trial is completed.

(vi) He shall not commit any offence, whatsoever, during the period he remains on bail in the present case.

(vii) He shall attend the trial without any single default.

6. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.

7. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Sanjay Rawat for grant of regular bail is accordingly disposed of, as allowed.

8. Needless to say, that nothing expressed herein shall have any effect on the merits of the case.

9. Copy of this order be sent to concerned Jail Superintendent, for necessary intimation to the applicant/accused.

10. Application is disposed of accordingly.

11. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ/ Special Judge, NDPS/N. Delhi
Delhi/26.12.2025