

**IN THE COURT OF ASJ/SPECIAL JUDGE/NDPS
PATIALA HOUSE COURTS, NEW DELHI**

Presided by: Sudhir Kumar Sirohi, DHJS

IA No. 1/2025

SC No. 413/2019

FIR No. 207/2012

PS Sagarpur

State Vs. Niranjana @ Guddu

01.05.2025

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State.
Sh Apoorv Shankar and Sh Sachin Tomar, Ld
counsel for applicant/accused Niranjana @ Guddu.

Ld counsel for accused submitted that accused has been falsely implicated in the present matter. As per case of prosecution on 13.08.2012, on the basis of information, the raid was conducted and there is recovery of 3kg of ganja from rented premises but three accused namely Niranjana, Naresh and some other person who was on rent in the said room, ran away from the spot but there is no rent agreement to show on record that the applicant/accused was living in said room. No tenant verification form has been taken by the police and PO charge sheet was filed against the accused. Accused is not required for investigation and may be admitted to bail.

Ld Addl. PP for the State on another hand opposed the bail application and submitted that accused was declared PO in this matter and was arrested from Bihar, investigation of the matter is going on and on 13.08.2012, on the basis of information, the room in the house of owner Prahlada Singh was searched and 30kg of ganja was recovered from the said room.

There is statement of the owner of the house that accused/applicant with Naresh and one other person was living in said premises, the accused persons including the applicant ran away from the spot and thereafter accused was declared PO. It is further argued that matter is at the initial stage of investigation, the source of contra-band is to be apprehended and co accused persons are to be apprehended, therefore bail may not be granted to accused and there is bar of section 37 NDPS Act.

Submissions of all parties heard.

As per *NCB vs Kasif, Crl Appeal No. 5544/2024, Hon'ble Supreme Court of India*, the lapse/delayed compliance of section 52A NDPS Act is not a ground for bail. The statement of owner Mr Prahlad Singh is on record that the applicant was his tenant and from the room, there is recovery of 30kg of ganja which is commercial quantity, accused/applicant ran away from the spot, therefore he could not be apprehended at that time, investigation of the matter is going on, therefore, at this stage, it cannot be said that there are reasonable grounds to believe that accused has not committed the offence or is not likely to commit offence again, there is definite bar u/s 37 NDPS Act as the commercial quantity of contra-band was recovered, accordingly, undersigned is not inclined to release the applicant/accused Niranjana @ Guddu on bail. Hence, the present application is dismissed.

Application stands disposed off accordingly.

Copy of the order be given dasti as well as be sent to accused Niranjana @ Guddu in jail.

(Sudhir Kumar Sirohi)
ASJ/Spl. Judge, NDPS/N. Delhi
01.05.2025