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Bail SC/788/2024

State Vs. Harsh @ Rishi

FIR No. 480/24

PS Subhash Place

20.08.2025

Present : Ms. Geeta Bansiwala, Ld. Addl. PP for the State.

Sh. Pradeep Rana, Ld. Counsel for the accused.

1. This is an application under Section 483 BNSS for grant of bail, moved on behalf of applicant/accused Harsh @ Rishi.

2. It is submitted by Ld. Counsel for applicant/accused that the applicant/accused is falsely implicated in the present case and comes from a very deep rooted family and is only bread earner of his family. It is submitted that accused has been falsely implicated in the present case and that charge sheet has been filed in this case and no active role has been assigned to him by the police officials. It is also stated that only 8 gms smack has been recovered from him.

3. It is submitted by the Ld. Addl. PP for the State that offences alleged are very serious in nature and as per report of IO, that 8 gms of smack has been recovered from the accused. Hence, submitted that the bail be dismissed.

4. Heard. Perused.

5. Prima facie, there seems to be violation of Section 42 NDPS Act as there was sufficient time but no written communication was sent to the higher police officials regarding the information. The incident is stated to be at around 02.45 AM but the video which was alleged made by one of the police official in his mobile phone reflected the time approximately 06.00 AM. The due procedure related to Section 42 as well as Section 50 NDPS Act are not followed. Hence, considering the aforesaid circumstances and considering the fact that intermediate quantity has been alleged against the applicant, I am of the view that no purpose will be served by keeping the applicant/accused in custody. Therefore, the application is allowed. applicant/accused is admitted to bail on furnishing personal bond in sum of Rs. 20,000/- with one surety of the like amount subject to the conditions that:

- (a) Applicant/accused shall provide his all mobile numbers to IO and keep them switched on at all time;
- (b) Applicant/accused shall not commit the same offence again;
- (c) Applicant/accused shall provide his fresh address by way of an affidavit in the Court after his release and in case of any change in his address shall inform the Court;
- (d) Applicant/accused shall appear on each and every date of hearing before the Court.

7. Application stands disposed off. Copy dasti. Copy of this order be also sent to Jail Superintendent.

(SHIVAJI ANAND)
ASJ-02/Spl. Judge (NDPS)
North-West, Rohini Courts, Delhi/20.08.2025