

SC 169/2025
STATE Vs. ASIV AND OTHERS
FIR no.115/2025
PS Paschim Vihar West

28.05.2025

File taken up on an application u/s 483 of BNSS filed on behalf of the applicant/accused Asiv for grant of bail.

Pr: Ld. Substituted Addl. PP for the State.
Ld. Counsel for the applicant/accused.

File perused. Heard.

Reply filed on behalf of the IO. Copy supplied.

Arguments heard. Clarifications sought.

It is submitted by Ld. Counsel that the applicant/accused is innocent and is having clean antecedents. has been falsely implicated in the present case. It is further submitted that no prior written consent of the applicant has been obtained prior to his search. It is further submitted that no independent witness has shown as a witness during the recovery of the alleged incident. It is further submitted that the applicant is in JC from the last more than three months. It is further submitted that the investigation has already been completed and chargesheet has already been filed in the present case. It is further submitted that the alleged recovery in the present case is of intermediate quantity, therefore, there is no bar u/s 37 of the NDPS Act. It is further submitted that

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co-accused has already been granted bail and with these submissions, prayer is made for grant of regular bail on the ground of parity.

On the other hand, Ld. Addl. P. P. for the state has strongly opposed the present bail application on the ground that illegal contraband has been recovered in the present case and the allegations are serious in nature. Ld. Addl. PP further submits that the possibility of tempering of evidence & influencing of witness & fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail. Ld. Addl. P.P has prayed for the dismissal of the present bail application of the accused.

In the present case, on 24.02.2025 applicant/accused was apprehended on the basis of secret information and 47.57 grams of smack/Heroin was recovered from his possession. Considering the fact that the amount of contraband received from the possession of the accused persons is of intermediate quantity, therefore, bar u/s 37 of NDPS is not made out in the present case. Chargesheet has already been filed in the present case. All the witnesses in the present case are police/govt. officials. Applicant/accused is in JC since 25.02.2025. Co-accused is already on bail. The conclusion of trial shall take more considerable time.

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Considering the facts and circumstances of the present case, keeping in view the submissions and without reflecting much on the merits of the case, at this stage, the applicant/accused is admitted to bail upon furnishing of personal bond in sum of ₹30,000/- each with one surety of the like amount, subject to following conditions:

- i) That the accused will not jump the bail and will appear in the court regularly.
- ii) That accused shall not indulge into similar offence or any other offence in the event of release on bail.
- iii) That accused shall not tamper/influence any evidence/witness in any manner.
- iv) That in case of change of residential address, accused shall intimate the court about the same within a week.

Nothing stated hereinabove shall tantamount to be an expression of final opinion on the merits of the case. With above observations, application stands disposed off accordingly.

Copy of the order be given dasti, as prayed for.

Copy of the order be also sent to the concerned Jail Superintendent for information.

(SATVIR SINGH LAMBA)
ASJ/ SPECIAL JUDGE (NDPS),
WEST DISTRICT, DELHI/28.05.2025