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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 72/2023 & CRL.M.A. 441/2023

HARGOVIND SINGH Petitioner

Through: Mr. Lohit Ganguly and Mr. Ajay
Kumar, Advocates.

versus

THE STATE (GNCT OF DELHI) Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Om Prakash, ANTF, Crime
Branch and Retd. SI Jai Prakash

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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15.12.2023

1. The present bail application is filed under section 439 Cr.P.C. on behalf of the petitioner Hargovind Singh for grant of bail in FIR bearing no. 0213/2017 registered under sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “**NDPS Act**”) at P.S. Crime Branch.

2. The counsel for the petitioner stated that the petitioner was arrested on 04.12.2017 and since then, he is in judicial custody for almost 06 years and he was charged for the offence punishable under section 21(c) of the NDPS Act for which minimum imprisonment for 10 years along with fine is prescribed. He further stated that as the petitioner is in judicial custody for almost 06 years as such, in view of the guidelines as laid down by the Supreme Court in **Supreme Court Legal Aid Committee Representing Undertrial Prisoners V Union of India (UOI) and Others, (1994) 6 SCC**



731, the petitioner is entitled for bail.

3. The Additional Public Prosecutor for the State/respondent being assisted by the Investigating Officer SI Om Prakash, ANTF, Crime Branch, stated that the petitioner was apprehended on 04.12.2017 at about 8:30 AM and on the basis of secret information, he was found in possession of 260 grams of heroin, which is falling in 'commercial quantity'. He further stated that the petitioner is also involved in another similar cases. Accordingly, the present bail application is liable to be dismissed.

4. The petitioner was arrested on 04.12.2017 and since then, he is in judicial custody. The petitioner is stated to have been found in possession of 260 grams of heroin, which is a 'commercial quantity'. The petitioner is charged for the offence punishable under section 21(c) of the NDPS Act. However, as per the guidelines laid down in **Supreme Court Legal Aid Committee Representing Undertrial Prisoners V Union of India (UOI) and Others**, (1994) 6 SCC 731, if the undertrial accused is charged with an offence under the NDPS Act which is punishable with minimum imprisonment for 10 years and with fine of rupees one lakh, then the undertrial shall be released on bail if he has been in jail for not less than 05 years provided that he is ready to furnish the bail in the sum of rupees one lakh with two sureties of the like amount.

5. Accordingly, the petitioner is admitted to bail on furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with two local sureties of the like amount to the satisfaction of the concerned trial court, subject to the following conditions:-

(i) The petitioner shall not indulge in any criminal activity or activity of similar offence;



(ii) The petitioner shall not leave the country without prior permission of the trial court;

(iii) The petitioner shall not try to contact or extend threat or inducement to any of the prosecution witnesses;

(iv) The petitioner shall mark his presence on every 2nd and 4th Friday of each English calendar month before the concerned Police Station/Crime Branch till the completion of the trial.

(v) The petitioner shall participate in the trial unless and until his personal appearance is exempted by the trial court.

(vi) The petitioner shall provide his operational mobile number immediately after release to the Investigating Officer so that he can be contacted any time by the Investigating Officer.

6. The present bail application along with pending application, stands disposed of.

7. *Dasti.*

8. Copy of this order be sent to the trial court and to the petitioner through concerned Jail Superintendent.

DR. SUDHIR KUMAR JAIN, J

DECEMBER 15, 2023

N/AM