



2025:DHC:11102



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: December 09, 2025***
+ **BAIL APPLN. 4234/2025**
DEEPAKApplicant

Through: Mr. C.M. Sangwan & Mr.
Saksham Agarwal, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State along
with Mr. Vinesh Kumar,
Adv.
SI Rakesh Kumar, PS
Narela.

+ **BAIL APPLN. 4248/2025**
ARJUNApplicant

Through: Mr. C.M. Sangwan & Mr.
Saksham Agarwal, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State along
with Mr. Vinesh Kumar,
Adv.
SI Rakesh Kumar, PS
Narela.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present applications are filed by the applicants seeking regular bail in FIR No.513/2025 dated 21.07.2025 registered at Police Station Narela for offences under Sections 15/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985



(‘NDPS Act’).

2. Briefly stated, the FIR was registered pursuant to the chance apprehension of a car being occupied by the applicants. On search, it is alleged that two plastic bags were recovered and on inspection they were found to be containing 7.70 kg and 13.11 kg of Poppy Husk respectively. The applicants were arrested on 21.07.2025 and are in custody since then.

3. The learned counsel for the applicants submits that applicants have been falsely implicated in the present case. He submits that no independent witness has been cited by the prosecution in support of its case. He submits that a video of the recovery was made in compliance of provisions of Bharatiya Nagarik Suraksha Sanhita, 2023, however, the same does not indicate that the recovery was made from the applicants.

4. The learned Additional Public Prosecutor (APP) for the State submits that large quantity of the contraband has been recovered from the applicants and the recovery is also supported by the video made by the Police. He submits that the car belongs to father of applicant Arjun, who was also found to be involved in another case in Haryana.

5. The alleged recovery made from the applicants is of intermediate quantity. Undoubtedly, the accused cannot be admitted on bail solely for the reason that the commercial quantity of contraband was not recovered. The application would still have to be considered on its own merits, *albeit* without the bar of Section 37 of the NDPS Act.

6. It is informed that the applicants are of clean antecedents,



though it is claimed by the State that father of applicant Arjun was earlier involved in another similar case.

7. Investigation is already complete and the chargesheet has also been filed. It is also not disputed that no independent witnesses joined the investigation. Certain other grounds have been raised by the applicants such as delay in filing an application under Section 52A of the NDPS Act and that the sample was sent to FSL belatedly after 24 days.

8. This Court, however, does not consider it apposite to adjudicate on the said aspects. The same is a matter of trial. At this stage, undisputedly since the allegations are not in regard to the recovery of commercial quantity of contraband, bar of Section 37 of the NDPS Act is not applicable. As noted above, the investigation has already been completed.

9. In the opinion of this Court, the applicants' judicial custody is no longer required. The defence and the allegations would be subject matter of trial and cannot be commented upon at this stage.

10. The applicants are, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- each with two sureties of the like amount each, subject to the satisfaction of the learned Trial Court/Duty MM/Link MM, on the following conditions:

- a. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;



- b. The applicants shall under no circumstance leave the country without the permission of the learned Trial Court;
 - c. The applicants shall appear before the learned Trial Court on every date of hearing, unless their appearance is exempted;
 - d. The applicants shall provide the address where they would be residing after their release and shall not change the address without informing the concerned IO/ SHO;
 - e. The applicants shall, upon their release, give their mobile number to the concerned IO/SHO and shall keep their mobile phone switched on at all times.
11. In the event of there being any FIR/DD entry / complaint lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
13. The present bail applications are allowed in the aforementioned terms.
14. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

DECEMBER 9, 2025 / "SK"