



2026:DHC:7176



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

% *Date of Decision: 25.08.2026*

CNR No. DLHC010296922026

+ **BAIL APPLN. 2644/2026**

SUMIT SHARMA

.....Petitioner

Through: Mr. Suraj Prakash Sharma (*through
videoconferencing*) and Mr. Pranav
Prakash, Advocates

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for State
with SI Naveen and SI Yogesh

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 32/2023 of PS Ambedkar Nagar for offence under Section 20/25 NDPS Act.

2. On last date, none appeared on behalf of accused/applicant, so the matter was adjourned. Today, I have heard learned counsel for



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accused/applicant and learned APP for State assisted by IO/SI Yogesh Kumar.

3. Broadly speaking, the prosecution case is that from a car being driven by the accused/applicant, 205.68kg *ganja* was recovered. Earlier, two bail applications were filed by the accused/applicant and the same were allowed to be withdrawn with liberty to file afresh before the trial court after recording of testimony of two recovery witnesses. Accordingly, the accused/applicant filed fresh bail application before the learned trial court and the same was dismissed.

4. On behalf of accused/applicant, learned counsel claims parity with co-accused Anisha and Arvind, both of whom were granted bail. No other ground for grant of bail has been raised.

5. As regards the claim of parity, learned APP for State submits that the cases of Anisha and Arvind were completely distinct from the present accused/applicant, so it is not at all a case of parity.

6. So far as co-accused Arvind is concerned, it is nobody's case that any contraband was recovered from him or at his instance. Arvind was implicated in this case only because he happens to be the registered owner of the car, which was being driven with the contraband by the present accused/applicant.



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7. As regards co-accused Anisha, who was allegedly sitting by the side of the present accused/applicant in the car at the time of the alleged recovery, bail was granted to her by the learned trial court only on technical ground that that lady constables who took her personal search were not authorized to do that under Section 42 NDPS Act by the concerned ACP. In the present case, there is no such technical error.

8. The small quantity of *ganja* is 1kg and commercial quantity is 20kg, while the quantity of *ganja* allegedly recovered from the present accused/applicant was 205.68kg, which is more than 10 times of commercial quantity, so the rigours of Section 37 NDPS Act come into play.

9. In view of above circumstances, I do not find it a case of parity at all with Anisha or Arvind. Therefore, the bail application is dismissed.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 25, 2026/as