



2026:DHC:5706



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

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Reserved:16.07.2026**Pronounced on:17.07.2026****Uploaded on: 17.07.2026**+ **BAIL APPLN. 1733/2026****SUMITI KAUR**

.....Petitioner

Through: Mr. Hasim Alam, Mr. Manish Kumar, Ms. Khushi A. Ayubi, Ms. Vartika, Ms. Archana, Mr. Salanuddin Ayubi, Mr. Tarish Ayubi & Mr. Abhishek Kumar, Advocates.

Versus

STATE OF (NCT OF DELHI)

.....Respondent

Through: Mr. Tarang Srivastava, APP for State.

CORAM:**HON'BLE MR. JUSTICE PRATEEK JALAN****JUDGMENT**

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks regular bail in connection with FIR No. 450/2025, dated 28.09.2025, registered at Police Station Sagar Pur, South-West District, Delhi, for offences punishable under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"].
2. I have heard Mr. Hasim Alam, learned counsel for the petitioner, and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State. The prosecution has placed on record a status report dated 03.07.2026.
3. The prosecution case, as emerging from the aforesaid status report, is as follows:

Signature Not Verified

Signed By: PARUL
VASHIST
Signing Date: 17.07.2026
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- a. On 27.09.2025, one Aditya Chauhan @ Lucky was apprehended near Mamta Medicos, Nala Road, Sagarpur, New Delhi, by the police, when they were patrolling the area on foot. Upon his personal search, a white polythene containing smack-like-material, weighing 13.85 grams, was recovered from the right pocket of his jeans. Subsequently, Aditya Chauhan @ Lucky was arrested.
- b. During investigation, Aditya Chauhan @ Lucky disclosed that he had purchased the recovered substance from the petitioner herein.
- c. Pursuant to this disclosure, raids were conducted at the residence of the petitioner. However, the petitioner was not found there.
- d. On 01.12.2025, the police received information regarding the arrival of the petitioner.
- e. Subsequently, a raiding team was constituted and a trap was laid. The petitioner was thereafter apprehended near Shri Balaji Property Nala Road, Sagarpur, Delhi, and one black colour purse was recovered from her, which contained some substance, suspected to be Methamphetamine. Videography of the seizure was also conducted on e-Sakshya app.
- f. During investigation, the Forensic Science Laboratory [“FSL”] team was called to the place of incident for testing the recovered substance. After carrying out the necessary tests, the FSL team confirmed it to be “*suspected narcotic substance*” weighing to be 33.70 grams. The substance was thereafter seized and deposited in the *Malkhana*.
- g. Sampling of the recovered substance was conducted before the Magistrate’s Court on 09.12.2025, and the exhibit was deposited at



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FSL for expert opinion. The FSL result was obtained, which found the substance to be Methamphetamine and Dimethyl sulfone.

- h. The main and supplementary chargesheet in the matter stands filed before the Trial Court. Charges have also been framed against the petitioner by the Trial Court *vide* order dated 11.04.2026.
4. The Nominal Roll reflects that, as of 29.06.2026, the petitioner had been in judicial custody for a period of 6 months and 29 days. She has thus now been in custody for a period of around 7 months and 16 days.
5. The petitioner's latest bail application was dismissed by the Special Court *vide* order dated 13.04.2026, on the ground that there was no change in circumstance since the last bail dismissal on 17.02.2026. The Court observed that filing of the supplementary chargesheet is not a favourable circumstance which would entitle the petitioner for grant of bail.
6. Mr. Alam, in support of the application, submitted that the allegation in the present case pertains to possession of intermediate quantity of Methamphetamine, and thus the strict rigours of Section 37 of the NDPS Act will not apply.
7. Mr. Alam also sought parity with co-accused Aditya Chauhan @ Lucky, who has already been granted bail *vide* order dated 24.11.2025, passed by the Special Court. He submitted that co-accused Aditya Chauhan @ Lucky is the main accused in the present case.
8. Mr. Alam further submitted that the petitioner was arrested on the basis of the disclosure statement of the co-accused Aditya Chauhan @ Lucky. He submits that there is neither any CDR connectivity, nor any money trail linking the petitioner with the co-accused so as to establish a



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link between them.

9. Mr. Alam also submitted that the investigation in the present case stands concluded. The chargesheet as well as the supplementary chargesheet have already been filed. The petitioner has remained in judicial custody for over seven months. Significantly, she has not been remanded to police custody even for a single day during this period, which further indicates that no custodial interrogation was considered necessary and that the investigation, insofar as it concerns the petitioner, stands completed.

10. Mr. Alam lastly submitted that the matter is presently pending at the stage of prosecution evidence, and 19 prosecution witnesses have been cited, out of which only 3 have been examined. In these circumstances, the trial is likely to take a considerable amount of time to conclude.

11. Mr. Srivastava, on the other hand, opposed the application, and submitted that the co-accused Aditya Chauhan @ Lucky had purchased the Heroin from the petitioner, and that there was also an independent recovery of an intermediate quantity of Methamphetamine from her. He further submitted that the petitioner is also an accused in two other cases registered under the NDPS Act, namely, FIR No. 462/2025 and FIR No. 203/2016, both registered at P.S. Sagarpur. It was further submitted that the petitioner and her family are actively involved in a drug syndicate, and that several criminal cases have been registered against different members of her family.

12. In rejoinder, Mr. Alam submitted that FIR No. 203/2016 was registered more than a decade ago, and the present FIR as well as FIR No.



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462/2025 were both registered at P.S. Sagarpur, only after the petitioner's mother lodged a complaint dated 26.03.2025 alleging that police officials of P.S. Sagarpur had demanded a bribe. He further submitted that, apart from the present case, the petitioner has already been granted bail in all the other FIRs registered against her.

13. Having heard learned counsel for the parties, I am of the view that the petitioner is liable to be released on bail in the present case.

14. At the outset, it is admitted that the quantity of narcotic substance recovered from the petitioner is 33.70 grams, which falls in the intermediate quantity category [2 grams to 50 grams]. The recovery in the present case was therefore short of a commercial quantity, and the stringent conditions prescribed under Section 37 of NDPS Act do not apply.

15. Mr. Alam further sought to draw parity with the co-accused Aditya Chauhan @ Lucky, who was granted regular bail by the Special Court. The Special Court granted bail, *inter alia*, on the grounds that the recovery effected from the co-accused was of an intermediate quantity, and that the investigation against him had been completed. The present petitioner, in my view, stands on a similar footing, inasmuch as the alleged recovery is also of an intermediate quantity, the investigation has concluded, and charges have already been framed.

16. The matter is presently pending at the stage of prosecution evidence, and there are 19 witnesses cited, only three have been examined. The trial is thus likely to take a considerable amount of time to conclude.

17. Although Mr. Srivastava is right in pointing out that two other



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FIRs are also pending against the petitioner for similar offences, she has not yet been convicted in any of those cases and is, in fact, on bail in both the cases. One of the said FIRs was registered approximately ten years ago, and the other was registered after the present case. It is not always the case that pendency of proceedings by itself would result in denying bail to an accused. Reference in this connection may be made to the judgments of the Supreme Court in *Maulana Mohammed Amir Rashadi v. State of U.P.* [(2012) 2 SCC 382] and *Prabhakar Tewari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648].

18. Lastly, the alleged involvement of the petitioner's family members in other criminal cases cannot be a determinative factor while considering her application for bail.

19. For the aforesaid reasons, the application is allowed and the petitioner is released on bail in connection with FIR No. 450/2025 dated 28.09.2025, registered at Police Station Sagar Pur, South-West District, Delhi, for offences punishable under Sections 21 and 61 of NDPS Act, subject to furnishing a bail bond in the sum of Rs. 50,000/-, with one surety of the like amount, to the satisfaction of the concerned Special Court/Duty Magistrate, and further subject to the following conditions:

- a. The petitioner shall appear before the Special Court on each and every date of hearing.
- b. The petitioner shall ordinarily reside at the address as per prison records, and shall not change the address without informing the concerned Investigating Officer ["IO"]/Station House Officer ["SHO"].



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- c. The petitioner shall furnish her mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.
 - d. The petitioner shall not, directly or indirectly, contact, nor visit, nor offer any inducement, threat, or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case.
 - e. The petitioner shall not, directly or indirectly, tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
 - f. The petitioner shall not commit any offence during the pendency of the proceedings.
20. The application stands disposed of in the above terms.
21. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.
22. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

JULY 17, 2026
'SS/AD'/