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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010447922026
+ **CRL.A. 939/2026**
DEEPA SINGHAppellant

Through: Mr. Kundan Kumar, Mr. Rahul Sharma, Ms. Ritika Gupta, Mr. Manmohan, Mr. Saurabh Srivastava, Mr. Gyan Ranjan, Mr. Lakshay Chopra and Mr. Shivanshu, Advocates.

versus

STATE(NCT OF DELHI)Respondent
Through: Mr. Akhand Pratap Singh, SPP with Mr. Himanshu and Mr. Hritwik Maurya, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
29.09.2026

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1. The present appeal under Section 12 of the Maharashtra Control of Organised Crime Act, 1999 ["MCOCA"] assails the order dated 3rd September, 2026 passed by the Special Exclusive Court-13 (MCOCA), Rouse Avenue Courts, New Delhi whereby the Appellant's application for regular bail has been rejected.
2. The Appellant is being prosecuted in FIR No. 186/2025, P.S. Sultanpuri. The FIR was initially registered following a raid conducted on 10th March, 2025, in which 385.53 grams, gross weight, of heroin packed in sachets and 47.09 grams of Tramadol were recovered from premises at E-4/13, Sultanpuri. The prosecution thereafter widened the investigation and invoked, *inter alia*, Sections 3 and 4 of MCOCA against members of what it alleges to be an organised drug syndicate headed by the Appellant's mother,



Kusum. The Appellant and her sister, Anuradha @ Chiku, surrendered on 12th September, 2025 and have been in custody in the MCOCA case from that date. The charge-sheet *qua* the Appellant has since been filed under Sections 21(b), 22(b), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [“NDPS Act”], Sections 238 and 113 of the Bharatiya Nyaya Sanhita, 2023 [“BNS”], Section 18(c) of the Drugs and Cosmetics Act, 1940, and Sections 3 and 4 of MCOCA.

3. Co-accused Anuradha’s regular bail application had also been rejected by the Special Court. Her appeal, CRL.A. 1543/2025, was thereafter dismissed by this Court by judgment dated 6th January, 2026. The Supreme Court, however, by order dated 24th July, 2026 in the appeal arising out of SLP (Crl.) No. 11075/2026, set aside that judgment and directed her release on bail. The Supreme Court recorded:

“Taking note of the period of incarceration already undergone by the appellant, the fact that she is a woman, and the fact that the contraband involved is of intermediate quantity, we are inclined to set aside the impugned order passed by the High Court and grant her bail.”

4. Mr. Kundan Kumar and Mr. Rahul Sharma, counsel for the Appellant, principally invoke parity with co-accused Anuradha @ Chiku. They submit that the two sisters are similarly placed in all material respects: both are accused in the same FIR and are alleged to be members of the same family-run syndicate; both surrendered and were taken into custody on 12th September, 2025; no contraband was recovered from the person of either; and the prosecution case against both substantially rests upon their alleged participation in the syndicate and the routing of its proceeds through their bank accounts. Neither is stated to have any previous criminal antecedent. It is further urged that the financial material against Anuradha was itself



substantial and was before the Court when her bail was declined, yet the Supreme Court subsequently directed her release. The circumstances now highlighted by the State against the Appellant do not alter the essential similarity between the two cases or place Deepa on a qualitatively graver footing.

5. Mr. Akhand Pratap Singh, SPP for the State, contests the claim of parity. He submits, at the outset, that the order of the Supreme Court granting bail to Anuradha was not founded upon an assessment of the merits of the prosecution case or upon any finding that the requirements of Section 21(4) MCOCA stood satisfied. The Supreme Court, he points out, expressly proceeded on the period of incarceration, the fact that Anuradha is a woman, and the intermediate quantity of the contraband. Those considerations cannot relieve the present Appellant of the independent statutory burden under Section 21(4), nor can parity be applied in a manner which renders that provision otiose.

6. He further submits that, in any event, Deepa is not similarly situated. Reliance is placed on the material specifically attributed to her during the subsequent investigation. Mr. Singh relies upon the financial investigation, which reflects credits of approximately INR 1.56 crore in Deepa's Kotak Mahindra Bank account, as compared to approximately INR 1.34 crore in the corresponding account of Anuradha. The protected witnesses are stated to have spoken of repeated deposits of cash, alleged to represent proceeds from sale of smack, into her bank account and of sale of contraband from the family residence. Ravi Kumar @ Sunny, who has since been granted pardon, in his confession under Section 18 MCOCA and subsequent statement under Section 183 BNSS, attributed to Deepa an active role in sale of contraband



and in routing and concealing its proceeds through banking channels; he also stated about deposit/transfer of approximately INR 20 lakh into her accounts at the instance of the syndicate. Mr. Singh additionally relies upon the allegation that Deepa caused their chats to be deleted, leading to invocation of Section 238 BNS.

7. Mr. Singh also refers to two residential flats at Rohini standing in the Appellant's name which, according to the prosecution, were purchased from proceeds of narcotics trafficking, with approximately INR 22 lakh being credited into the relevant account shortly before payments towards the properties were made. Reliance is further placed upon the voice notes recovered from the mobile phone of the CCL, in which reference is made to "Deepa behen" in the context of the quality and replacement of the alleged contraband; the allegation that a SIM subsequently used for communications concerning sale and delivery of smack was procured on the instructions of Kusum and Deepa; and the CDR material showing her contact with other alleged members of the syndicate. On the strength of this material, Mr. Singh submits that the case against the Appellant is not merely one of passive receipt of funds or familial association, but of active participation in, and facilitation of, the affairs of the alleged organised crime syndicate. The twin requirements of Section 21(4) are not met and the grant of bail to Anuradha cannot, by itself, furnish a ground for release of the Appellant.

8. The Court has considered the rival submissions and the material on record. The issue that arises is a fairly narrow one. The prosecution has undoubtedly placed material against the Appellant, and its evidentiary worth is not to be finally assessed at the stage of bail. The question is whether, after the Supreme Court has granted bail to Anuradha in the same



prosecution, the material specifically attributable to Deepa marks out a distinction of sufficient significance to deny her the benefit of parity. That enquiry must, of course, be undertaken within the framework of Section 21(4) MCOCA.

9. Parity is not an automatic rule of bail. The mere fact that two accused are named in the same FIR, or face allegations cast in similar terms, does not make the order granting bail to one conclusive in favour of the other. The comparison must extend to their respective roles, the material relied upon against each, and other circumstances relevant to the exercise of discretion. Conversely, where these features are materially alike, consistency in the treatment of co-accused assumes due significance. This is the approach reaffirmed by the Supreme Court in *Sagar v. State of Uttar Pradesh*¹: parity must rest on a reasoned comparison of the position and role of the respective accused, and not merely upon their implication in the same offence. Any subsequent material or change in circumstances concerning the individual accused must therefore be brought into that assessment.

10. The nature of the enquiry under Section 21(4) MCOCA was explained by the Supreme Court in *Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra*.² The Court clarified that, at the stage of bail, a positive finding of innocence is not required. It must examine the material on broad probabilities and reach a tentative satisfaction, confined to the bail enquiry, that there are reasonable grounds for believing that the accused is not guilty of the alleged offence. The second limb likewise concerns the likelihood of the accused committing an offence under MCOCA while on

¹ 2025 INSC 1370.

² (2005) 5 SCC 294.



bail, an assessment informed by the accused's antecedents, propensity, and the nature of the alleged involvement.

11. The enquiry must therefore move beyond the State's description of the material against Deepa as "independent" or "additional". The decisive question is whether that material, considered in its substance and in the context of the case against Anuradha, discloses a material distinction between their respective roles and circumstances. It is to this comparison that the Court now turns.

12. The prosecution case placed before this Court in Anuradha's appeal was itself substantial. It comprised repeated and unexplained deposits in her bank account; the statement of protected witness 'HR' that approximately INR 25-26 lakh had been deposited and later transferred to Anuradha at her instance, together with an allegation that she threatened the witness when he declined to continue; the account of another witness that Anuradha supplied smack and had asked him to conceal a Fortuner alleged to represent proceeds of crime; and Ravi @ Sunny's confession under Section 18 MCOCA, attributing to both Anuradha and Deepa the routing of illicit cash through their bank accounts.

13. Against this background, the larger financial trail attributed to Deepa must be assessed in perspective. The charge-sheet records credits of approximately INR 1.56 crore in her Kotak Mahindra account, compared with approximately INR 1.34 crore in Anuradha's corresponding account. The difference is appreciable, but remains one of degree rather than kind: the prosecution case against both is that their accounts were used to route proceeds of the same alleged syndicate. The higher quantum attributed to Deepa does not, by itself, alter the nature of the role alleged against her.



14. The latest status report also appears to contain an error in identifying the relevant bank account. It describes Kotak Mahindra Account No. 4146504460 as belonging to Deepa, whereas the charge-sheet attributes that account to Anuradha and identifies Deepa's Kotak Mahindra account as No. 2114816256. The discrepancy is not determinative, since substantial credits are alleged even in the account correctly attributed to Deepa. It does, however, underscore the need for care in reading the financial material.

15. The material emanating from Ravi @ Sunny, particularly as regards Deepa's alleged involvement in the sale of contraband, receipt of approximately INR 20 lakh and deletion of chats, cannot be discounted at this stage. Its significance for parity must, however, be assessed against the fact that Ravi's statement under Section 18 MCOCA was also relied upon against Anuradha and attributed to both sisters the routing of proceeds from the sale of smack. The later material adds specificity to the case against Deepa, but does not presently indicate that she occupied a distinct or higher position in the alleged syndicate, much less that of its organiser or kingpin.

16. The State also relies on the two flats standing in Deepa's name and on transactions of approximately INR 22 lakh said to be connected with their purchase. Whether the properties were acquired from proceeds of narcotics trafficking is a matter for proof at trial. At the present stage, the alleged receipt or use of such proceeds does not, by itself, resolve the claim to parity, particularly when Anuradha was also accused of handling substantial illicit funds and concealing assets linked to the syndicate.

17. The electronic material must be viewed with similar caution. The voice notes referred to in the status report were not sent by Deepa. They were recovered from the CCL's phone and are stated to record conversations



with another accused in which “Deepa behen” is mentioned. That reference forms part of the prosecution case, but its context and evidentiary value must be tested at trial. Standing alone, it does not establish the degree of “say, knowledge and control” attributed to Deepa in the impugned order. The allegation that she procured a SIM later used for communications concerning the sale of smack is more direct. Even so, considered with the record as a whole, it does not materially distinguish her role from Anuradha’s.

18. A further consideration arises under the second limb of Section 21(4). The Special Court placed considerable weight on Deepa being the daughter of Kusum, the alleged kingpin, who has previous convictions under the NDPS Act. That relationship may lend context to the allegation of association, but it cannot substitute for an assessment of Deepa’s own antecedents and propensity. Her nominal roll discloses no other pending case or conviction, and records satisfactory jail conduct. The earlier issuance of non-bailable warrants and the allegation of non-cooperation remain relevant, but they do not distinguish her from Anuradha, against whom similar allegations of remaining unavailable during the investigation and facing non-bailable warrants were made.

19. This assessment does not imply that the prosecution material is false or that Deepa has been exonerated; either conclusion would exceed the scope of a bail proceeding. The material relied upon against Anuradha also alleged active participation, handling of illicit funds, supply of narcotics, and an attempt to interfere with a witness. Yet the Supreme Court granted her bail, expressly referring to the period of custody, her being a woman, and the intermediate quantity of contraband. Each of those considerations



applies equally to Deepa. Both sisters entered custody on 12th September, 2025. Deepa has remained incarcerated, while Anuradha has been on bail since 24th July, 2026.

20. The order granting bail to Anuradha neither dispenses with the requirements of Section 21(4) nor entitles every co-accused in the FIR to release. Its significance lies in the fact that Anuradha is similarly placed in the same prosecution. Having compared the respective roles of the two sisters and the material relied upon against each, the Court does not find any circumstance which, at this stage, places Deepa on a qualitatively graver footing.

21. On these facts, and upon an assessment of the material on broad probabilities, the Court is satisfied, for the limited purpose of Section 21(4)(b) MCOCA, that there are reasonable grounds for believing that Deepa is not guilty of the MCOCA offences alleged. The second requirement is also met. Deepa has no other criminal antecedent, her conduct in custody is satisfactory, and suitable conditions can guard against contact with witnesses or misuse of liberty. The material presently available does not furnish a sufficient basis to conclude that she is likely to commit an offence under MCOCA while on bail.

22. The intermediate quantity of contraband does not lessen the rigour of MCOCA. It is relevant only because the Supreme Court expressly took that circumstance into account while granting bail to Anuradha in this very FIR.

23. Accordingly, the appeal is allowed and the order dated 3rd September, 2026 is set aside. The Appellant shall be released on bail upon furnishing a personal bond of INR 50,000/- with two sureties of the like amount, to the satisfaction of the Trial Court, subject to the following conditions:



- (i) the Appellant shall appear before the Trial Court on every date fixed, unless exempted in accordance with law, and shall not seek unnecessary adjournments;
- (ii) she shall not, directly or indirectly, contact, communicate with, threaten, induce, or influence any prosecution witness, including any protected witness, or tamper with the evidence in any manner;
- (iii) she shall furnish her current residential address and mobile number to the Investigating Officer and shall intimate any change in advance;
- (iv) she shall not leave India without the prior permission of the Trial Court and, if she holds a passport, shall deposit it with the Trial Court;
- (v) for the first three months following her release, she shall report to the SHO, P.S. Sultanpuri on the 1st day of each month. Thereafter, she shall report on the first Monday of every three month until further orders of the Trial Court. She shall not be detained at the Police Station beyond the time reasonably required to record her presence; and
- (vi) if any of these conditions is breached, or if the Appellant attempts to interfere with any witness or with the course of the trial, the State shall be at liberty to seek cancellation of bail in accordance with law.

24. The observations in this order are confined to the decision on bail. The Trial Court shall decide the case on the evidence led before it, without being influenced by any observation made herein.

25. The appeal, along with all pending applications, is disposed of in these terms.

SANJEEV NARULA, J

SEPTEMBER 29, 2026/as