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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1607/2025**

SUKHVINDER KAUR@SATVINDERPetitioner
Through: Mr. J.P.Singh, Mr. Hemant Sharma,
and Mr. Upendra Yadav, Advocates

versus

THE STATE NCT OF DELHIRespondent
Through: Ms. Priyanka Dalal, APP for State
with Inspector Sanjay Kumar, PS
Sultanpuri.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

% **ORDER**
01.09.2025

1. Applicant herein is before this Court seeking regular bail in FIR No. 733/2022 registered on 23.08.2022 under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), registered at PS Sultanpuri, Delhi. The applicant is in judicial custody since 20.10.2022 (2 years and 10 months).

2. Briefly speaking, per FIR, the case set up by the prosecution is that on 22.08.2022, while on patrol duty, the officer observed an individual later identified as Jasbir @ Sonu, aged 24 years, resident of Sultanpuri, Delhi, approaching from the direction of Aman Vihar. Upon seeing the officer, he attempted to flee through a nearby park. The officer pursued and apprehended him after a brief chase.

2.1 On questioning, he appeared nervous and gave evasive answers. He



was carrying a white plastic bag, which, upon checking, was found to contain 15 paper envelopes. Each envelope held:

- i. 1 vial of Pheniramine Maleate Avil Injection (10ml)
- ii. 1 vial of Buprenorphine Injection (2ml)
- iii. 1 syringe
- iv. 2 needles

2.2 Total recovery from his possession thus was 15 Avil injections, 15 Buprenorphine injections, 15 syringes, and 30 needles (all are prescription medicines). When questioned, the accused admitted that these substances were also used for intoxication.

2.3 The accused was informed of his right under Section 50 of NDPS Act to be searched in the presence of a Magistrate or Gazetted Officer. He declined this right in writing, stating that he understood the implications and voluntarily consented to the search. No further narcotic substances were found during his personal search, except for Rs. 30 in cash.

2.4 The investigation ensued and before the investigating agency, in course thereof Jasbir named Ms. Sukhvinder Kaur @ Satvinder (Applicant herein) as the supplier of contraband seized. Thus the applicant was arrested two months later on 20.10.2022.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would argue on lines of grounds taken in the petition *inter alia* urging as below:-

4.1 That the above alleged case has been falsely registered against the applicant on the basis of false, concocted and imaginary statements by the investigation agency/complainant and she has been made an escape goat



with regards to the alleged recovery of contraband. Custodial disclosure is the only basis of her arrest and that has no evidentiary value, unless there is any corroborative proof in support thereof.

4.2 That the applicant is a mother of 2 children with clean antecedents and is not involved in any criminal case. Moreover, she has been languishing in jail approximately for past 2 years and 10 months and the trial will take a long time to conclude as total of 22 witnesses has been cited by the prosecution and only 4 of them have been examined by the Trial Court.

5. Opposing the above submissions, the learned APP for the State argues that the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him absconding or tampering with the evidence.

6. Having heard, I am of the view that it is a fit case for bail. Let us see how.

7. In response to a specific query from this Court, the learned APP for the State has confirmed that the chargesheet has already been filed, and the investigation, insofar as the applicant is concerned, stands concluded. Hence, custodial interrogation is no longer required.

8. It transpires that the applicant has no previous criminal record, and the allegations against her are based primarily on presumptions and circumstantial evidence, without any direct material linking her to the alleged offence. Prior to her arrest, she cooperated fully during the course of investigation, including appearing before investigating authorities whenever required. There was no attempt by the applicant to delay or obstruct the investigation. Her conduct has been satisfactory.

9. The sole basis for implicating the applicant is the custodial disclosure made by the co-accused Jasbir, who allegedly named the applicant as the



supplier. It is settled law that such a statement to a police officer is not admissible under Section 27 of the Evidence Act unless it leads to the discovery of a new fact. In the present case, there is no recovery, document, or any other independent evidence connecting the applicant to the alleged supply of contraband. Her arrest after a gap of two months solely on the basis of an uncorroborated disclosure makes the case against her doubtful.

10. The alleged recovery from the prime accused i.e. Jasbir, comprises 15 Avil injections, 15 Buprenorphine injections, 15 syringes, and 30 needles, which are all prescription medicines, otherwise lawfully available in the market. His admission allegedly made regarding their use for intoxication is not per se sufficient in itself to sustain a presumption of guilt. As such, statements made in custody are inadmissible in evidence under Section 25 of the Evidence Act unless duly corroborated by independent material.

11. As for concern regarding tampering with evidence, there appears to be no such risk, most of the material is documentary in nature, and the contraband has already been seized and is beyond the applicant's reach. With respect to witness influence, most witnesses are officials of the Narcotics Control Bureau, and thus, there is little to no likelihood of them being influenced and she even has a clean record, without any criminal antecedents.

12. There is also no likelihood of the applicant absconding, given that she statedly has deep roots in society and has a family with 2 minor children.

13. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception,



particularly when the accused does not pose a flight risk or a threat to the integrity of the trial.

14. Taking a comprehensive view of the circumstances, particularly the applicant's prolonged incarceration and quantity of contraband recovered from her, I am of the opinion that she is now entitled to bail pending trial.

15. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

16. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same. In case applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.

17. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 1, 2025/SV