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

+ **BAIL APPLN. 2326/2025**

GEETA

.....Applicant

Through: Mr. Shan Ul Islam, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with Mr. Deepak Yadav, SI, Anti
Narcotics Squad/ SD

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **03.07.2025**

1. The present application filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ seeks grant of pre-arrest bail in FIR No.
99/2025, registered at P.S. Kotla Mubarakpur under Sections 21/25 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.²

2. Briefly stated, the case of the Prosecution is as follows:

2.1 On 12th February, 2025, SI Sandeep received confidential information
indicating that an individual involved in the distribution of smack/heroin
would be arriving near Pijanji culvert to supply the contraband. After
verifying the information, a raiding team, accompanied by the informer,
proceeded to the specified location. Upon reaching Pijanji Pulia, the
informer identified the suspect, who was then apprehended along with a

¹ "BNSS"

² "NDPS Act"



black TVS Jupiter scooter bearing registration number DL 3SEY 8045. The individual was identified as Satender @ Satte, son of Basant Singh.

2.2 A written notice under Section 50 of the NDPS Act was served to the accused, following which a personal search was conducted. During the search, a white foil was discovered in the left pocket of the jacket worn by the accused. Inside the foil were two additional knotted white foils. Upon untying them, a light pink, slightly moist substance was found, which, upon examination, was identified as smack/heroin, weighing 15.86 grams. The seized contraband, along with the vehicle, was taken into custody as case property, leading to the registration of the present FIR.

2.3 During the investigation, Satender @ Satte led the police to the residence of co-accused Shivam @ Sahil @ Rahul @ Shenki. A notice under Section 67 of the NDPS Act was served to Shivam's uncle, but Shivam did not join the investigation. Consequently, non-bailable warrants were obtained from the concerned court, and Shivam was arrested on 22nd April, 2025, and remanded to judicial custody.

2.4 During interrogation, Shivam @ Sahil disclosed that the recovered smack was supplied to him by his mother, Geeta (the Applicant), who has a prior record of involvement in seven NDPS cases related to smack. He further stated that the Applicant sells smack from their residence at D-514, Inderpuri JJ Colony, New Delhi. A notice under Section 67 of the NDPS Act was issued to her, but she failed to join the investigation.

2.5 The mobile phone belonging to Satender @ Satte, containing WhatsApp conversations with Shivam @ Sahil, was seized and sent for forensic analysis. Additionally, the mobile phone used by Shivam to communicate with Satender was also recovered from his possession.



3. Counsel for the Applicant submits that the Applicant has been falsely implicated in the present matter. It is stated that the Applicant earns her livelihood by engaging in household work and has no connection with the alleged offence. It is further contended that the entire case of the Prosecution, insofar as it pertains to the Applicant, is solely based on the disclosure statement made by her son, Shivam @ Sahil, and that there exists no direct incriminating material implicating her. He further points out that the recovery in this case pertains to an intermediate quantity of approximately 15.86 grams of smack, which was allegedly recovered from the possession of the main accused, Satender @ Satte. No recovery, however, has been made either from the Applicant or her son, Shivam @ Sahil. In these circumstances, it is argued, that the custodial interrogation of the Applicant is unwarranted and not necessary for the purposes of investigation. Furthermore, it is submitted that the Applicant is willing to cooperate with the ongoing investigation and, therefore, her custody is not required.

4. On the other hand, Mr. Tarang Srivastava, APP for the State, strongly opposes the present application. He submits that the matter is presently at the stage of investigation. As per the investigation conducted thus far, it has been revealed that the contraband recovered from the co-accused Satender @ Satte was supplied to him by the present Applicant. He further states that further investigation has unearthed transcripts of conversations between co-accused Shivam @ Sahil and the main accused Satender @ Satte, in which the Applicant's name appears, thereby implicating her. It is also submitted that CDRs establish connectivity between the Applicant and her son. Moreover, the disclosure statement of the Applicant's son, accused Shivam



@ Sahil, attributes an active role to the Applicant in the distribution of narcotic substances, thereby necessitating her custodial interrogation. He also points out that the Applicant has multiple prior criminal cases, including seven cases under the NDPS Act, in which she is alleged to have been involved in the supply of smack. Given these factors, there exists a reasonable apprehension that the Applicant may abscond or commit similar offences if released on bail.

5. The Court has duly considered the rival contentions advanced by the parties and perused the case diary presented by the State. It is noted that the matter is presently at the stage of investigation. At this stage, the Court is not to conduct a mini-trial, nor would it be appropriate to render findings that might prejudice either side. However, for the limited purpose of adjudicating the present bail application, on a *prima facie* assessment of the material on record, it cannot be said that the Prosecution's case against the Applicant is devoid of merit. The case diary indicates the presence of transcripts of conversations between the main accused Shivam @ Sahil and the Applicant's son, which, *prima facie*, suggest the Applicant's involvement in the alleged offence. Moreover, the Applicant's past involvement in cases under the NDPS Act, coupled with other criminal antecedents, lends credence to the State's contention regarding the necessity of her custodial interrogation.

6. It is also pertinent to note that the Applicant has failed to cooperate in the ongoing investigation, which is crucial to unearth the extent of the offence and the Applicant's role therein. Having regard to the seriousness of the alleged offence, the specific role ascribed to the Applicant, and her prior involvement in multiple criminal cases, this Court is of the considered view



that the State must be given an opportunity to interrogate the Applicant in custody in order to fully ascertain the *modus operandi* concerning the distribution of the contraband in the instant case. The cumulative effect of these factors also suggests a likelihood of interference with the investigation if the Applicant is granted pre-arrest. Accordingly, the Court is not inclined to grant the discretionary relief of pre-arrest bail to the Applicant.

7. Accordingly, the petition is dismissed.

SANJEEV NARULA, J

JULY 3, 2025

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