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

+ **BAIL APPLN. 2430/2025**

PAWANDEEP KAUR GILLApplicant

Through: **Mr. Raghav Chadha, Advocate.**

versus

NARCOTICS CONTROL BUREAURespondent

Through: **Mr. Arun Khatri, SSC with Ms. Shelly Dixit and Ms. Tracy Sebastian, Advocates.**

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **11.07.2025**

CRL.M.A.19203/2025 (For Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present Second Anticipatory Bail application has been filed on behalf of the Applicant under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 438 of the Code of Criminal Procedure, 1973) in Case No. VIII/04/DZU/2025 dated 19.02.2025 under Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station: NCB, R.K. Puram, Delhi, New Delhi.

4. The application is listed before this Court today pursuant to the Order dated 08.07.2025 passed by a Coordinate Bench. The said Order reads as follows: -

“1. The present application is filed seeking prearrest bail in Case



No.VIII/04/DZU/2025, registered at Police Station NCB, (DZU) R.K. Puram, for offences under Sections 8/20/25 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 ('NDPS Act').

2. The application filed by the applicant on an earlier occasion was dismissed as withdrawn by order dated 06.06.2025 passed by the Co-ordinate Bench of Hon'ble Mr. Justice Harish Vaidyanathan Shankar.

3. The learned counsel for the applicant states that the learned counsel, who was representing the applicant at that stage, had no authority to withdraw the application.

4. It is common knowledge that when the Courts are not inclined to give relief, the counsel who represent the parties requests for withdrawal of the bail application.

5. However, since the matter on earlier occasion was heard by the Co-ordinate Bench, this Court considers it apposite to refer the present matter to Hon'ble Mr. Justice Harish Vaidyanathan Shankar, who had heard the application on 06.06.2025.

6. Subject to the orders of Hon'ble the Chief Justice, list before the Bench of Hon'ble Mr. Justice Harish Vaidyanathan Shankar on 11.07.2025."

5. Briefly adverting to the history of the matter, the first anticipatory bail application on behalf of the Applicant was listed on 06.06.2025 before this Court while sitting during Vacation. Learned counsel for the Appellant, appearing that day, was heard *in extenso*. However, this Court was not inclined to grant the relief as sought for. Faced with the prospect that the Court was not inclined to grant bail, the then learned counsel chose to withdraw the application.

6. The present application, titled as the "Second Anticipatory Bail Application", is now preferred, apparently on the ground that the earlier counsel did not have the authority to withdraw the earlier application.

7. The reason provided for preferring the present application is as follows: -

"9) That it is worthwhile to state before this Hon'ble Court that the counsel engaged by the petitioner/applicant was Rai & Rai Advocates for filing the petition for grant of anticipatory bail before the Sessions Court. The petitioner when approached the counsel for filing the bail petition before the Session Court, the



counsel got two power of attorney's signed from the petitioner stating to the petitioner that sometimes, one power of attorney is lost or is not filed correctly, so as a backup he will be requiring a second power of attorney of the petitioner. The petitioner having full faith in the counsel, signed on two power of attorneys. After the dismissal of the bail petition of the petitioner from the Learned Session Court i.e., on 03.04.2025, when the petitioner was in process of availing her remedy to file a fresh bail petition before the Hon'ble High Court, it came as a shock to her when she got knowledge of the fact that the earlier counsel which she engaged for filing of bail petition before the Learned Sessions Court, has filed her bail for the Hon'ble High Court as well and has even withdrawn the said bail application on 06.06.2025.

The petitioner/applicant when confronted the earlier counsel that the bail petition filed before the Hon'ble High court was without the authorization of the petitioner/applicant, the counsel stated the petitioner that he tried but the Hon'ble Bench had passed the orders to withdraw the said bail petition. It is submitted that the bail petition filed before the Hon'ble High Court was without the authorization of the petitioner/applicant and rather she was being fooled and her power of attorney was misused by the earlier counsel. The petitioner/applicant is facing the brunt of the act and conduct of the earlier counsel. The recording of the voice memos shared between the petitioner/applicant and the earlier counsel.

10) That subsequently when the petitioner/applicant was in process of filing her successive bail petition before the Hon'ble Court, it came into the knowledge of the petitioner/applicant that the house of the petitioner/applicant was again raided by the NCB Department, New Delhi on 05.07.2025 and the warrant of arrest issued against the petitioner/applicant by the Ld. Court of Special Judge, NDPS, Patiala House Courts, New Delhi was handed over by the raiding team to the mother of the petitioner/applicant. The copy of the warrant of arrest issued on 02.07.2025 by the Ld. Court of Special Judge, NDPS, Patiala House Courts, New Delhi is annexed herewith as Annexure-F."

8. A perusal of the Second Anticipatory Bail Application would indicate that there is an averment that there are additional grounds raised herein, which were not urged in the earlier application. Learned counsel for the Appellant has chosen not to annex a copy of the earlier application with the present one. When queried on what the additional grounds were, the counsel mentioned that it was in respect of the quantity being non-commercial.



9. This Court vividly recollects that the same argument regarding the quantity of narcotics involved, being a non-commercial quantity in respect of which the Applicant has been made an accused, was advanced and considered in the earlier round. On that occasion, when the matter was heard on 06.06.2025, this aspect was duly examined, and the Court, after due consideration, was not inclined to grant relief. It was only after all arguments had been addressed, that the counsel then appearing, sought to withdraw the bail application. This Court was also of the *prima facie* opinion that no good grounds for anticipatory bail had been made out.

10. The Court had specifically considered the reply of the Narcotics Control Bureau and the Order dated 03.04.2025 passed by the learned Additional Sessions Judge/Special Judge, NDPS, New Delhi, which had noted the necessary facts, especially with respect to the booking of the parcel and the statement of the courier boy in this regard as well as the conduct of the Applicant herein, whereafter the counsel for the Applicant in the earlier round had chosen to withdraw the application.

11. It was put to the present counsel that the present application appears to be in the nature of an abuse of the process of the Court, and that, in order to avoid any adverse order, he may, if so chosen, withdraw the present application, especially since he now has the requisite authority to do so.

12. Learned counsel for the Appellant, however, states that he would like a substantive Order in the present application.

13. This Court notes that the Hon'ble Supreme Court has, on various occasions, held that anticipatory bail should usually not be granted in cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, in view of the serious nature of the offences



and the stringent statutory framework enacted to effectively deter and penalize such crimes. [***Refer to 3-Judges' bench order dated 19.09.2024 in SLP(Crl.) No. 12621/2024***].

14. This Court is also of the view that the present application is clearly an abuse of the process of the Court.

15. Keeping all the aforesaid facts in mind, the present application is dismissed with costs of Rs. 50,000/- to be paid to the Delhi High Court Bar Association.

16. The present application stands dismissed.

HARISH VAIDYANATHAN SHANKAR, J

JULY 11, 2025/nd/er