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

+ **BAIL APPLN. 2868/2025**

SUNITA ALIAS MUNITA

.....Petitioner

Through: **Mr. Suraj Prakash, Advocate.**

versus

THE STATE NCT OF DELHI

.....Respondent

Through: **Mr. Utkarsh, APP for the State with
SI Dimpy Gulia.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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15.10.2025

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (Section 439 of the Code of Criminal Procedure, 1973) (*hereinafter referred to as 'Cr.P.C.'*) read with Section 528 of B.N.S.S. (Section 482 Cr.PC) has been filed on behalf of the Applicant-Sunita @ Munita for grant of Regular Bail in FIR No. 0315/2025 under Section 20 NDPS Act, registered at Police Station Narela.

2. As per the Case of Prosecution, on 25.04.2025 at about 03:30 p.m, the Applicant was apprehended on the basis of secret information near Gali No. 22, Sanjay Colony, Safiabab Road, Delhi and allegedly 5.05 KG of *Ganja*, was recovered from her possession.

3. ***The grounds*** on which the Bail has been sought, are that there was a violation of mandatory procedural requirements under the NDPS Act in regard to search and recovery, which has not been effected in the presence



of a Gazetted Officer or Magistrate. No independent witnesses were joined at the time of search or seizure. The substance recovered is an intermediate quantity under the NDPS Act and bar of Section 37 of NDPS, does not apply.

4. Reliance is placed on Kailash vs. State of NCT Delhi, Bail Appl. No. 2514/2014; Anjali vs. State of NCT Delhi, Bail Appl. No. 2442/2023; Anil Tamang vs. State of NCT Delhi, Bail Appl. No. 3416/2023; Sunil vs. State of NCT Delhi, Bail Appl. No. 495/2022; Anita vs. State of NCT Delhi, Bail Appl. No. 1538/2022.

5. The Applicant is in judicial custody since 26.04.2025. The trial is not likely to conclude in near future as Prosecution has cited 17 witnesses and Charges have yet not been framed. The Apex Court has held that *Bail is the Rule and Jail is the exception*, for which reliance has been placed on Rabi Prakash vs. State of Odisha, Bail Application No. 11613/2023; Sanjay Chandra vs. Central Bureau of Investigation, Criminal Appeal Nos. 2178 to 2182 of 2011 (arising out of S.L.P. (Cri.) Nos. 5650, 5902, 6190, 6288, 6315; Gurucharan Singh vs. State (Delhi Admn.), (1978) 1 SCC 118: (AIR 1978 SC 179); State of U.P. vs. Amarmani Tripathi, (2005) 8 SCC 21 : (AIR 2005 SC 3490); Manish Sisodia vs. Directorate of Enforcement, SLP (Crl.) No. 8781/2024; Moti Ram vs. State of Madhya Pradesh, (1978) 4 SCC 47; Gudikanti Narasimhulu vs. Public Prosecutor, (1978) 1 SCC 240.

6. The Applicant is a mother of three minor children and their father i.e her husband, is suffering Asthma and is not healthy. She is the sole caregiver responsible, for their children's upbringing and welfare. Her continued detention would cause severe emotional and financial hardship for the children and adversely affect their health and development. The Applicant



has clean record with no previous involvement of any kind in criminal activities. She has deep roots in the society and is not likely to abscond or tamper the evidence. *The delay of justice is injustice.* A prayer is, therefore, made that she be granted Regular Bail.

7. **Status Report** has been filed on behalf of the State wherein the details of the investigations and recovery of *Ganja* from the Applicant, have been detailed. It is further submitted that the several raids have been conducted, but no other co-accused has been traced so far.

8. Two Bail Applications of the Applicant, have already been dismissed by the learned ASJ on 19.05.2025 and 26.05.2025 respectively. The Charge Sheet under Section under Section 20 NDPS Act, already stands filed.

9. The Bail is opposed on the ground that the offence is heinous in nature. If she is released on Bail, she may commit the same offence and also jump the Bail.

10. **Submissions heard and the record perused.**

11. As per the case of the Prosecution, the allegations are that she was apprehended with 5.05 KG of *Ganja*, which is an intermediate quantity. The Charge-Sheet has already been filed.

12. In the circumstances, there is no likelihood of tampering with the evidence. There is no circumstance shown that she is in a position to influence the witnesses, who essentially are police witnesses.

13. Considering the totality of circumstances, the Applicant/Petitioner is admitted to Regular Bail, on the following terms and conditions.

a) The Petitioner/Accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.



- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;
 - c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
 - d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
 - e) In case the Petitioner/Accused changes her residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
14. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.
15. Bail Application is allowed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

OCTOBER 15, 2025/RS